



HUMAN RIGHTS ACTION  
AKCIJA ZA LJUDSKA PRAVA

## MONITORING OF JOURNALISTIC SELF-REGULATORY BODIES IN MONTENEGRO

### FOURTH REPORT

(1 March 2014 – 1 September 2014)

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## 1. INTRODUCTORY REMARKS

This is the fourth and the last report published within the project "Monitoring of Journalistic Self-Regulatory Bodies in Montenegro", conducted by the Human Rights Action (HRA) from September 2012 to September 2014, with the support of the British Embassy Podgorica and the *Open Society Foundations* – OSF.<sup>1</sup>

The reports have been published every six months. The last report covers the period from 1 March to 1 September 2014.

The aim of the project is to support the media and journalistic, i.e. media self-regulatory bodies in Montenegro in objective and uniform implementation of the Code of Montenegrin Journalists („The Code“) and standards of human rights.

HRA believes that self-regulation of the media can and should be used to protect human rights and prevent their violation. We believe that, if done professionally and impartially, media self-regulation benefits both the media and citizens, as it can prevent legal proceedings, contribute to responsible informing of the public and promote public confidence in the press and media. Self-regulation in media represents a fight for the dignity of the profession in the most specific and persuasive manner. Commitment to improving professionalism strengthens the fight to improve the economic status of journalists and legal framework for their work.

At the end of this project, we believe that, as an association of citizens, by observing the implementation of the Code by the media and self-regulatory bodies, reporting on it and encouraging debate on the subject, as a part of the "media accountability system"<sup>2</sup> we have managed to act usefully – all media of influence who have been out of the self-regulation system at the beginning of this project have to date established their own self-regulatory bodies, which are already giving results. The Media Self-Regulation Council (MSRC), which brings together a significant number of media within a single self-regulatory organization, has objectivised its conduct during this project to the initial level of cooperation with other self-regulatory bodies.

Recent discussions about our reports were attended by representatives of all the self-regulatory bodies, which is an encouraging step forward towards establishing their regular cooperation on the uniform application of the Code and generally commitment to improving professional standards.

This report, as well as all previous, in relation to print media (daily newspapers: Blic - Montenegrin issue, Dan, Dnevne novine, Pobjeda and Vijesti, and weekly Monitor) and portals (Analitika, Café del Montenegro, IN4S and Vijesti) has been prepared by Dragoljub Duško Vuković, freelance journalist and journalism instructor, who led the project of drafting of the Code of Montenegrin Journalists.

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<sup>1</sup> All reports available at HRA webpage, [http://www.hracion.org/?page\\_id=459](http://www.hracion.org/?page_id=459)

<sup>2</sup> Professor Claude – Jean Bertrand is considered one of the most prominent international expert for journalistic ethics. He defined the Media Accountability Systems as rules and practices that include "any non-governmental means of inducing media and journalists to respect the ethical rules set by the profession". These systems include ethical codes, counselling for press and other self-regulatory bodies, research conducted by non-governmental organizations, auditing, etc. For more details, see <http://www.rjionline.org/MAS-Claude-Jean-Bertrand>; and, "Power without Responsibility", Sandra Bašić Hrvatinić, PhD, article published in magazine Media Culture no. 02/2011, "Self-Regulation", Civic Forum Nikšić, 2011, page 23-27.

Monitoring of self-regulation of central news programmes of the five most watched televisions<sup>3</sup>: Atlas TV, Television of Montenegro, Pink M TV, Prva and Vijesti was conducted by Marijana Buljan, media expert and HRA Programme Director.

Since March 2014, "Informer" - Montenegrin issue, began its publication in Montenegro and stood out with low level of respect for professional standards. We could not monitor this daily within the existing capacity of the project, but we did sporadically, for example in relation to the reaction of MCS to the most remarkable case of violation of the Code related to the director of the Network for Affirmation of NGO Sector (MANS) Vanja Čalović. "Informer", according to available information, did not adopt any form of self-regulation.

Within this project, we conducted our own monitoring of media to make sure whether journalistic self-regulatory bodies are able to fully and impartially respond to conduct of the media in violation of the Code of Montenegrin Journalists. Although HRA associates sought to closely monitor the content of those media outlets, it is possible that not every case of unethical journalistic practice has been recorded.

This final report contains recommendations from previous reports for improvement of the practice, as well as regulations and guidelines of the Code of Montenegrin Journalists.

We would like to thank everyone who read our reports and helped us with constructive criticism or in any another way.

Tea Gorjanc Prelević,

NGO Human Rights Action Executive Director

And the editor of the report

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<sup>3</sup> Based on CEDEM research (OSCE), July 2012, Extra TV, February 2013 and IPSOS Strategic Puls, March 2013.

## 2. CURRENT SITUATION IN THE MEDIA SELF-REGULATION

### 2.1 General overview

During the period covered by this report (1 March – 1 September 2014), there were a number of novelties in the field of media self-regulation in Montenegro. The most important one relates to the fact that, after TV *Vijesti*, dailies *Vijesti* and *Dan*, another media outlet that is not a member of the Media Council of Self-Regulation and does not accept its jurisdiction - weekly *Monitor* - decided to establish its ombudsman, meeting thus our recommendations from the two previous reports. Information regarding the start of ombudsman's operation was published in *Monitor* issue dated 5 June 2014.

During this reporting period the Ombudsman of daily *Dan* also started to operate; information on his appointment has been provided in the previous report.

The novelty is that for several months already the Ombudsman institute in TV *Vijesti* in fact exist only on paper, because no replacement has been appointed after the previous Ombudsman stopped working.

The impression is that the Self-Regulatory Local Press Council, too, exists only on paper, since it does not issue reports on its work or have a website with information about its other activities.

Other news is that the Monitoring Team of the Media Council for Self-Regulation (MCSR MT) began, to some extent, to recognise the existence of the Ombudsman in media who are not MCSR members. Examples of this include the decision not to process a complaint related to daily *Dan*, but recommend the complainant (Branimir Gvozdenović, Minister of Sustainable Development and Tourism) to contact the Ombudsman of the said daily, as also recommended by HRA in the previous reports, as well as to uphold some decisions of ombudsmen of daily newspapers *Vijesti* and *Dan* in subsequent deciding on the same complaints. Cooperation and mutual respect between self-regulatory bodies has also been encouraged in MCSR announcement at a round table dedicated to self-regulation, held in June 2014, that together with the Ombudsman and Human Rights Action (HRA), this body would direct its efforts towards amending the Code of Journalists of Montenegro (the Code)<sup>4</sup>.

The period covered by this HRA report was also marked by the emergence of a new newspaper in Montenegro, Belgrade tabloid *Informer*, which began issuing a special edition for Montenegro on 10 March.

Already in the first month of publication of this newspaper it was noticeable, through denials and statements in other media, that several persons and institutions deny what had been published in *Informer*, Montenegrin issue (*Informer CG*). In one of the series of articles about the alleged unprofessional conduct at the Port Authority in Kotor, released on 3 April, *Informer CG* published a fictional statement by HRA Program Director. Since the editorial staff failed to publish the submitted response, HRA brought a claim against *Informer CG*. This tabloid has lowered the limit of professional and ethical standards to the extent scandalizing not only the local and foreign media and lay public, but also American and European diplomats in Montenegro, who were the first to react to a series of articles

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<sup>4</sup> <http://www.pobjeda.me/2014/07/03/okrugli-sto-o-postovanju-novinarskog-kodeksa-mss-problem-dalje-tacnost-informacija/#.VAI2sBbw9KI>

in which the Executive Director of NGO Network for Affirmation of NGO Sector (MANS) Vanja Čalović had been brought into connection with zoophilia, requiring the relevant state institutions to investigate whether the published photos were authentic or mounted, and the Society for the Protection of Animals to take action.

MCSR, whose Statute in Art. 7<sup>5</sup> states that this body aims to protect the citizens from unethical behaviour of Montenegrin media reacted only after the same had been done by the United States Embassy, Diplomatic Mission of the EU in Montenegro, Collegium of the President of the Parliament of Montenegro, and after Human Rights Action invited MCSR to respond. Ranko Vujović, MCSR Executive Secretary, stated in a press release<sup>6</sup> that *Informer* had violated the Code, but joined the invitation of the tabloid to competent authorities to investigate whether, indeed, the compromising video footage and photographs featured MANS Executive Director or somebody else. Moreover, the editor of *Analitika Portal* also insisted on that aspect of the whole affair in her own article<sup>7</sup>, as well as Gordana Borović, member of MCSR Monitoring Team.

In MCSR MT report published more than a month after the response including the disputed texts in *Informer CG*, MCSR no longer insisted on this aspect, but dealt only with the lack of ethics in this kind of journalism.

Problematic reporting in tabloid newspaper *Informer CG* and absence of timely and authoritative response of self-regulatory bodies was the topic of conversation between Dunja Mijatović, the OSCE<sup>8</sup> Representative on Freedom of the Media, during her second consecutive stay in Montenegro, and several representatives of print and online media. At a meeting held on 16 July 2014, OSCE announced its assistance with the project regarding amendments to the Code, promotion of cooperation among the existing self-regulatory bodies and, in the future, an effort to create a unique self-regulatory body for print and online media in Montenegro.

In the period covered by this report, a one-year dispute that HRA had with daily *Pobjeda* has been brought to an end; the dispute concerned a failure to publish a response to Dr Stevan Lilić's text titled "Lilić: Mr Stano, who do you support", which is why MCSR criticized *Pobjeda* in its report covering the

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<sup>5</sup> The Council is established as a non-governmental organization aimed at: improving and developing media self-regulation in Montenegro implementing the Code of Montenegrin Journalists **in order to protect citizens from unethical reporting in the media**, raising awareness about the importance of true and timely reporting. To achieve its objectives the Council will carry out the following activities: monitoring the implementation of the Code of Montenegrin Journalists in the media, publishing monthly, semi-annual and annual reports on compliance with the Code of Montenegrin Journalists, deciding on citizens' complaints and appeals regarding the work of the media and violations of the Code of Montenegrin Journalists, informing the media about specific complaints and appeals.

<sup>6</sup> <http://www.cdm.me/drustvo/crna-gora/mss-o-pisanju-informera-utvrditi-da-li-je-u-pitanju-manipulacija-ili-autentican-materijal>

<sup>7</sup> <http://portalanalitika.me/component/content/article/106-tema-extratv/151231-biljeka-o-skandalu->

<sup>8</sup> "The OSCE strongly condemns personalized and highly offensive attacks on Čalović. I was shocked and could not believe that Montenegro accepts that, both as a country and as a society. The government is responsible in front of its citizens. We must find a way to overcome such things. We need to move towards the professionalisation of the media in Montenegro - said the OSCE Representative on Freedom of the Media Dunja Mijatović. This is Mijatović's first official visit to Montenegro, during which she today met with several senior government officials, representatives of civil society and media representatives. Mijatović specifically addressed the reporting of daily *Informer*, concerning NGO MANS Executive Director Vanja Čalović, saying that nowadays we might have a lot of bravery, but we ran out of humanity... However, according to her, a lot needs to be done to implement the law on operation of the self-regulatory body, where the OSCE will be actively involved. - I plan to go back to Podgorica soon. We need to find a starting point, because we need to go strive towards something called professionalism of the media - concluded Dunja Mijatović." (<http://portalanalitika.me/drustvo/vijesti/152948-mijatovi-moramo-krenuti-prema-profesionalizaciji-medija-u-crnoj-gori>).



period from 15 July to 1 October 2013<sup>9</sup>. *Pobjeda* failed to act in accordance with the decision of a self-regulatory body it is a member of, but only complied with the decision of the Appellate Court, which upheld the ruling of Podgorica Basic Court, ordering this newspaper to publish HRA response of September 2013 and pay court costs.

### **3. ACTIVITIES AND RESULTS OF OPERATION OF SELF-REGULATORY BODIES**

#### **3.1. Activities of the Media Council for Self-Regulation**

##### **3.1.1. General information**

##### **The reports**

Until the conclusion of this HRA report (beginning of September 2014), the Media Council for Self-Regulation (MCSR) had published three reports of its Monitoring Team (MT). Two of them are regular periodic reports, covering the period from 15 February to 31 April 2014 and from 1 May to 1 July 2014. The third report covers the period from 1 January to 1 May 2014, therefore the period included in the two previously published periodic reports.<sup>10</sup>

It was the first time that MCSR MT reiterated the previously published in one of its reports. This was done for the purpose of the round table dedicated to ethics of journalism, organized by the Media Council for Self-Regulation in cooperation with the Council of Europe in early June 2014. What is unusual about it is the omission of several examples from the report encompassing the period from 1 January to 1 May 2014 related to violations of professional ethics, addressed in previously published periodic reports. As many as 24 previously discussed examples of violations of Code principles have been omitted, without ever mentioning the omission or its motive. Among the omitted examples most of them were from daily *Dan* - fifteen, then daily *Vijesti* - five, two from *Informer CG*, and one from *Pobjeda* and *Dnevne novine* dailies.

In the same report, covering the first four months of 2014, a series of articles published in *Dan* and *Vijesti* were omitted, which were the result of a joint research conducted by OCCRP (Organized Crime and Corruption Reporting Project) and MANS (Network for Affirmation of NGO Sector). In its regular report for the period from 15 February to 31 April, MCSR MT assessed this series of texts thematically

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<sup>9</sup> "Meanwhile MSS sought *Pobjeda's* position regarding the aforementioned complaints, but has not received a response to date.

Media Council for Self-Regulation considers that the failure to publish reactions of HRA violated Principle 4 of the Code of journalists that stipulates the obligation of journalists to complete an incomplete and correct an incorrect information, especially the one that can cause harm while, at the same time, respecting the rules that a correction must be displayed in the appropriate manner. MSS also recalls that the right to publish a correction or a response is prescribed by the Constitution of Montenegro, as well as the Law on Media.

Media Council for Self-Regulation considers that this is a violation of the Code is even greater, because two weeks later the newspaper published professor Lilić's response to the response of Human Rights Action that had never been published." (MCSR MT report on the work of Montenegrin media for the period 15 July 2013 - 1 October 2013)

<sup>10</sup> HRA analysed MCSR MT report covering the period from 1 December 2013 to 15 February 2014 in its next to the last report - third in a row, which refers to the period from 1 October 2013 to 1 March 2014.

dealing with a link between organized crime and Montenegrin authorities as ethically problematic, finding that they had violated principles 1 and 7 of the Code.

MCSR has not so far published monthly and annual reports on compliance with the Code of Montenegro, as provided for in Art. 7 of the MCSR Statute<sup>11</sup> and, as one can conclude, in the Action Plan of the Government of Montenegro for Chapter 23: Judiciary and Fundamental Rights, measure 3.4.5.<sup>12</sup>

### Transparency of operation

MCSR used a round table that it had organized together with the Council of Europe to present one of the reports<sup>13</sup> of its MT for the first time not only to the general public, but professional as well. All other MCSR MT reports were presented only at press conferences.

The last two reports<sup>14</sup> as well have been published on the official website of MCSR, shortly after being presented at a press conference.

### Informing of citizens

MCSR does not update its official website regularly, or, with the exception of periodic reports, publish current information on its activities on the site. The website contains no information regarding the round table organized jointly by the Council of Europe and MCSR, or a statement issued on 22 June by MCSR Executive Secretary Ranko Vujović, regarding the writing of *Informer CG* about MANS Executive Director Vanja Čalović. On the day of finalizing of this report (1 September 2014), under "Current events", the last published information on the website of MCSR was dated 27 September 2013.

Not even in the period covered by this HRA report did MCSR conduct a public campaign informing the citizens about its actions and encouraging them to complain about unethical behaviour of the media.

Of media who are MCSR members, *Analitika Portal*, *RTCG* and online edition of *Radio Antena M* feature a notice on their homepage of the existence of MCSR, MCSR contact details and invitation to interested

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<sup>11</sup> The Council is established as a non-governmental organization aimed at: improving and developing media self-regulation in Montenegro implementing the Code of Montenegrin Journalists in order to protect citizens from unethical reporting in the media, raising awareness about the importance of true and timely reporting. To achieve its objectives the Council will carry out the following activities: monitoring the implementation of the Code of Montenegrin Journalists in the media, **publishing monthly, semi-annual and annual reports on compliance with the Code of Montenegrin Journalists**, deciding on citizens' complaints and appeals regarding the work of the media and violations of the Code of Montenegrin Journalists, informing the media about specific complaints and appeals.

<sup>12</sup> Measure 3.4.5. reads: "Prepare a Report on the implementation of professional and ethical standards in Montenegrin journalism. Publication of a report on compliance with the Code of journalists in the media." Media Council for Self-Regulation was listed as the competent authority, with the deadline "December 2013 - December 2014", and an indicator of the results: "Adopted report on the implementation of professional and ethical standards in Montenegrin journalism. Reports published on the website of the Media Council."

<sup>13</sup> Report on the work of Montenegrin print media for the period 1 January - 1 May 2014 (This report has not been published on MSS website [www.medijskisavjet.me](http://www.medijskisavjet.me)).

<sup>14</sup> XI Report on the work of Montenegrin media for the period 15 February - 30 April 2014.

XII Report on the work of Montenegrin media for the period 1 May - 1 July 2014.

Reports are available on the website of MSS: [www.medijskisavjet.me](http://www.medijskisavjet.me).

parties to appeal to this self-regulatory body. Although a member of MCSR, portal *Cafe del Montenegro* does not publish this information.

### **Other activities**

In addition to deciding on appeals, monitoring part of the media outlets and publishing reports on these activities, in early June 2014 MCSR organized a round table together with the Council of Europe dedicated to the respect for journalistic ethics in Montenegro. As reported by daily *Pobjeda*<sup>15</sup>, at that meeting MCSR announced its plans to join forces with the existing ombudsmen in the media, as well as with HRA, to amend the Code of Journalists of Montenegro.

### **3.1.2 Results of operation of MCSR Monitoring Team**

#### **3.1.2.1. Acting on complaints to the content published in the media**

In the period from 1 March to 1 July, MCSR MT received 22 complaints. Except for one, they all related to articles published in dailies *Vijesti* and *Dan*, media houses who are not MCSR members and have their ombudsman. Fourteen complaints were about *Dan*, seven about *Vijesti*.

One complaint concerned *Dnevne novine* daily, a member of MCSR.

Ministry of Agriculture and Rural Development (Minister Petar Ivanović) submitted seven complaints, of which six related to *Dan* and one to *Vijesti*. The same number of complaints was submitted by businessman Zoran Bećirović, through his legal counsel. Four of his complaints referred to *Vijesti* and three to *Dan*.

In case of a complaint concerning *Dnevne novine* daily, MCSR MT addressed the editorial staff and asked for a statement, which was not given, and decided on the appeal regardless.

Eight complaints considered by MCSR MT had previously been addressed to ombudsmen of *Dan* and *Vijesti* dailies, who decided on them. MCSR MT agreed with the decision of *Vijesti* Ombudsman on a complaint only in the case, while deciding otherwise in seven other cases. According to the report, MCSR MT also agreed with one decision of daily *Dan* Ombudsman, and not with others, deciding otherwise.

In case of all complaints considered, MCSR MT accepted complainants' arguments in whole or in part and found that the disputed texts violated basic principles of the Code, or some of the guidelines for these principles.

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<sup>15</sup> <http://www.pobjeda.me/2014/07/03/okrugli-sto-o-postovanju-novinarskog-kodeksa-mss-problem-dalje-tacnost-informacija/#.VAI2sBbw9KI>

According to MCSR MT estimates, Principles 1<sup>16</sup> and 4<sup>17</sup> were violated 13 times each, Principle 3<sup>18</sup> twice and Principle 10<sup>19</sup> once.

MCSR MT forwarded only one complaint related to articles in newspapers *Dan* and *Vijesti*, which had not been previously addressed to ombudsmen in the said media, to their addresses without expressing its opinion about it. This was the case of a complaint submitted by the Minister of Sustainable Development and Tourism Branimir Gvozdenović, referring to an article entitled "Corrupt millions in deals with Gvozdenović" (*Dan*, 28 May). MCSR MT suggested to the Minister to address them later perhaps, if not satisfied with the response of the ombudsman.

According to the reports, MCSR MT failed to previously seek a statement of a media outlet to which the complaint related, as provided in Art. 21 of the Statute of MCSR<sup>20</sup> (to which we drew their attention in previous reports), except in the case of *Dnevne novine*, as already mentioned.

### **3.1.2.2. Findings of MCSR Monitoring Team**

From 1 March to 1 July, MCSR MT has recorded 113 examples of violations of the Code and all in the print media, with the exception of six violations on *Vijesti* portal (MCSR still does not monitor electronic/broadcast media), and in the comments of visitors of this online media house.

According to the records of MCSR MT, monitored media violated seven of the 12 basic principles of the Code, or any of the guidelines for these principles.

According to the MCSR MT list, majority of violations of fundamental principles of the Code were committed by *Dan*, while *Pobjeda* committed the least. Daily *Dan* was 'caught' breaching the Code 46

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<sup>16</sup> "It is the duty of journalists to respect the truth and persistently search for it, always bearing in mind the public's right to know and the human need for justice and humanity."

<sup>17</sup> "The obligation of a journalist is to correct an incomplete or inaccurate information, especially one that can cause any harm while, at the same time, respecting the rules that correction must be displayed in an appropriate way."

<sup>18</sup> "The facts should be sacred for a journalist, and it is his duty to put them in the right context and prevent their misuse, whether it is a text, picture or a tone. Rumours and assumptions should be clearly marked as such. It is a duty to clearly separate news from a comment."

<sup>19</sup> "When reporting on investigation and court procedures, a journalist has to respect the assumption that everyone is innocent until is proved differently and should by no means pre-adjudicate the outcome of a court procedure."

<sup>20</sup> Monitoring team

Art. 21

The monitoring team consists of the Executive Secretary of the Council and three media experts selected by the Board of Directors for a term of four years. Monitoring team monitors, records and on regular conferences (at least once every 60 days) for journalists publishes a report on violations of the Code of Montenegrin Journalists, including the answers to readers' complaints and appeals submitted to the monitoring team.

**Before compiling monthly reports, Monitoring Team shall request the opinion of the media house indicated to have violated the Code of Montenegrin Journalists in an application of viewers/readers/listeners, or based on monitoring conducted by the Monitoring Team.**

Executive Secretary shall sign a special contract for a term of four years with expert members of the Monitoring Team. The members of the Monitoring Team shall be entitled to monetary compensation up to the amount of at least two average net wages in Montenegro at the time of conclusion of the contract, if allowed by the financial possibilities of the Council.

Monitoring team decides on appeals filed against any media organization in Montenegro when it comes to violations of the Code of Journalists of Montenegro, and informs the public on that.

Monitoring team mediates in disputes between media organizations or journalists with natural and legal persons in cases where the media organizations or journalists violated the basic principles of journalistic ethics, so that these disputes would not end up on the court.

The report of the Monitoring Team covers operation of electronic media, daily and weekly print media and relevant web sites. Monitoring Team members are autonomous in compiling the report, and no one has no right to influence the work of the Monitoring Team members.

times, *Informer CG* 30 times, *Vijesti* 20 times, *Blic CG* six times, *Vijesti* portal six times, *Dnevne novine* three times and *Pobjeda* twice.

The most violated is Principle 1 (referring mainly to the accuracy) - 68 times, followed by Principle 3 (referring primarily to the obligation of a fair relationship to the facts) - 18 times, and Principle 10 (referring mainly to the obligation to respect the presumption of innocence), in 10 occasions. (See table below)

According to MCSR MT findings, daily *Dan* violated Principle 1 twenty-seven times, *Informer CG* seventeen times, daily *Vijesti* thirteen times, *Blic CG* six times, *Dnevne novine* three times and *Pobjeda* twice.

	Violations of the Code principles according to MCSR MT monitoring 1 March – 1 July 2014											
MEDIA OUTLET	Principle 1	Principle 2	Principle 3	Principle 4	Principle 5	Principle 6	Principle 7	Principle 8	Principle 9	Principle 10	Principle 11	Principle 12
Dan	27		7	1		1	2	1		7		
Informer CG	17		10					2		1		
Vijesti	13		1	1			2	1		2		
Blic CG	6											
Portal Vijesti	6				6							
Dnevne novine	3											
Pobjeda	2											
Total	74		18	2	6	1	4	4		10		

### **3.1.3. HRA analysis of MCSR MT conduct**

#### **3.1.3.1. HRA analysis of MCSR MT complaints procedure**

MCSR has not yet fulfilled its promise to create special rules that will define the manner of filing of complaints and acting on complaints by a competent team. Also, MCSR Monitoring Team is still incomplete – it has one member less than stipulated in Art. 21 of the Statute of MCSR. Statute provides that "the monitoring team shall consist of the Executive Secretary of the Council and three media

experts selected by the Board of Directors for a term of four years". In addition to the Executive Secretary, current MT consists of two journalists working in the media - members of MCSR.

MCSR MT acted properly advising Branimir Gvozdenović, the Minister of Sustainable Development and Tourism, to forward the appeal related to daily *Dan* to the Ombudsman of that newspaper. However, it is unclear why the same has not been done in case of other complaints related to daily *Dan*, as well as those related to daily *Vijesti*, whose ombudsman has been operating longer than *Dan's* ombudsman.

If recognizing the fact that certain media houses, who do not accept the jurisdiction of MCSR, have their own self-regulatory bodies (ombudsmen), MCSR MT should consistently follow that logic (as it did in the case of Minister Gvozdenović's appeal). Recognizing the existence of ombudsmen in the media would also dictate that MCSR MT does not act as a second instance self-regulatory organ, as such occurrence has no basis in the statute of MCSR or the logic of self-regulation. In our opinion, such decision-making by MCSR MT will not help strengthen self-regulation or trust between different media outlets and self-regulatory bodies.

In addition, by deciding on appeals relating to the media who do not accept the jurisdiction of MCSR and with whom this body does not have an established communication, MCSR cannot provide full protection to citizens, since it cannot interfere with the publication of a correction or apology; also, media house that violated the Code will not publish MCSR decision about it. Therefore, we wish to reiterate our recommendation from the previous report that MCSR should forward the complaints related to them to the media who have their ombudsman, and that self-regulators should open a debate on different interpretations of the Code.

MCSR Statute provides that, prior to deciding whether a media outlet has violated the Code and regardless of whether a possible violation has been brought up in an appeal or discovered during the process of monitoring, MT shall seek statement from the 'suspected' media outlet. Article 21 of MCSR Statute, among other things, specifies: "Before compiling a monthly report, Monitoring Team shall request the opinion of the media house indicated to have violated the Code of Montenegrin Journalists in an application of viewers/readers/listeners, or based on monitoring conducted by the Monitoring Team." In case of acting on complaints submitted to MCSR MT in the period covered by this HRA report, the cited provision, according to MCSR MT reports, has been respected in only one case - a complaint concerning *Dnevne novine* newspaper, a member of MCSR.

Such conduct of MCSR MT present since the beginning of its work continues the practice of non-compliance with MCSR Statute and unequal relationship with the media, especially those who are not MCSR members.

Irrespective of the merits and clarity of complainants' arguments, a disputed matter can be judged properly and fairly only after hearing the arguments of text authors and editors who had allowed its publication. As much as some conclusions of MCSR MT seem well-founded on the basis of review of appeals and disputed texts, one cannot always estimate with certainty based solely on that whether it

was a mistake that could have been corrected, committed under certain unfavourable conditions (pressure of deadlines, haste, unavailability of relevant sources...), or a deliberate violation of professional ethics.

MCSR MT estimates so effortlessly that the media have breached Principle 4 of the Code concerning the obligation of the media to "complete incomplete and correct inaccurate information." Certain MCSR MT estimations of complaints regarding the Ministry of Agriculture and Rural Development, in our opinion, indicate a lack of understanding of what is suggested in the guidelines for Principle 4. Media house, according to the guidelines, is required to "promptly publish a correction," provided that it had been established "that the media outlet published a report containing significantly distorted facts". What if the media house does not believe it has released "significantly distorted facts", while the complainant claims otherwise, but guarantees only with his word? In such situations it is of utmost importance that self-regulatory bodies play the role of a mediator, not adjudicator, whether they be singular or collective. Guidelines for Principle 4 also state that "persons or organizations" who are "convinced that the media report contains inaccurate and unfounded allegations at their expense", "can request an opportunity to reply and publish a correction of false information from the media house that published such report". However, according to the wording of this guideline, this does not mean that the media outlet is automatically bound to "respect this right", but only "if it agrees that the report indeed contained false and unfounded allegations." If one should apply the principle of automatism, indirectly supported by MCSR MT in its interpretations, newspapers could be filled with denials and responses that would suppress news and journalistic stories.

Examples presented in this report show that disagreement over the interpretation of guidelines for Principle 4 of the Code, concerning the rights of correction and response, are quite common in self-regulatory practice, which may be in part due to inaccuracy of the guidelines and their incompatibility with the Law on Media.

### **3.1.3.2. HRA analysis of MCSR MT procedures based on own monitoring**

Since the start of its operation, MCSR MT has been monitoring electronic/broadcast media<sup>21</sup> only occasionally (although they make up the majority of MCSR members), and from 1 May to 1 July MCSR MT does not have data on monitoring of online media who are its members.

MCSR MT continues to ignore its obligation under the Statute to seek the opinion of the media outlet criticized on the basis of own monitoring, just as it does not require any opinion of media against which a complaint has been filed.

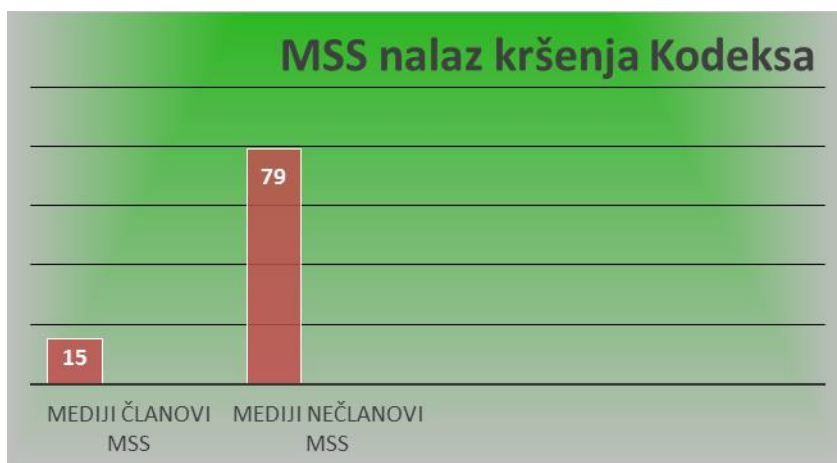
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<sup>21</sup> MCSR MT made an exception in the ninth report, covering the period from 1 October to 1 December 2013, stating that TV Pink M had repeatedly violated the Code in its news programs, but listed just one example.

MCSR MT continues to overlook numerous violations of Principles 10 and 12, ignoring also violations of Principle 11, as indicated by the comparative analysis of MCSR MT monitoring and monitoring carried out during the same period by HRA associates.

From 1 March to 1 July MCSR MT discovered far fewer examples of violations of professional ethics in print and online media than HRA associates did in the same period, who, in addition, did not monitor *Informer CG*, where MCSR MT discovered 30 examples of violations of some of the basic Code principles. Also, HRA associates, unlike MCSR MT, have not been able to record examples of breach of professional ethics on the basis of complaints (acting on complaints, MCSR MT found 29 cases of violation of the Code).

As was done previously, MCSR MT has been paying more attention to the media who are not its members, than to those who are. According to their last two reports, it appears that the media which did not access MCSR and do not accept its authority, violated the Code more frequently than media with MCSR membership. HRA monitoring, as shown in the chart below, shows a substantially different picture.



Code violations according to MCSR

MCSR members: 15      MCSR non-members: 79





## Code violations according to HRA

MCSR members: 251    MCSR non-members: 200

In our opinion, MCSR MT has unnecessarily stepped out of its jurisdiction and entered into political commenting when assessing the ethics in text "Official's planner full of data seized", published in daily *Vijesti* on 11 March. The controversial comment reads: "The political struggle in Montenegro has taken on some unusual methods, such as incursions into partisan premises of political opponents, which is unprecedented in the practice, and some media have supported such methods in this manner."

Unlike the first reaction of MCSR to *Informer CG* writing about MANS Executive Director Vanja Čalović, which was published in the press release, stressing the appeal to competent authorities to determine the authenticity of the alleged zoophilia footage, in its interim report MCSR MT put the emphasis solely on unethical behaviour of *Informer CG*, which is, in our opinion, the only right approach. MCSR MT has stated that the disputed texts violated Principles 1 and 3.

### **3.1.4. Conclusions and recommendations**

The Media Self-Regulatory Council (MCSR) has not fulfilled its promise<sup>22</sup> to adopt a rulebook that would precisely define dispute settlement procedures. **It is about time the MCSR adopted the promised rules on dispute settlement procedures, as the quality of the MCSR Monitoring team's work and the public opinion of it depends on it.**

The MCSR does not use its webpage to inform the public of its activities, nor does it conduct campaigns promoting importance of self-regulation and the MCSR itself. **The webpage of MCSR should contain information on all activities of the organisation and its Monitoring team, official press releases and statements made by representatives of this self-regulatory body, including interviews for media.**

MCSR MT continued with its practice of selective respect of the MCSR Statute when deciding on complaints, as it seeks statements about the complaints' allegations only from media outlets that are its members. **The MCSR MT should observe the MCSR Statute and apply equal criteria for all media outlets when deciding on complaints concerning them.**

The MCSR MT forwarded only one of the complaints concerning media outlets that are not members of the MCSR to the Ombudsman of that particular media without considering it, whereas it did consider several complaints concerning such media outlets after the decision of the Ombudsman of the media. **MCSR MT should forward all complaints to the Ombudspersons of the media outlets to which these complaints refer. When addressed with a complaint directed against a media having its own self-regulatory body, MCSR MT should declare itself not competent and advise the complainant to address the self-regulatory body of the media to which the complaint refers, and its role should end there.**

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<sup>22</sup> For more than a year the web site of MCS states: „Drafting of specific regulations which will define in more detail the manner of filing complaints and conduct a competent team at receipt of a complaint is on track" (<http://medijskisavjet.me/zalbe-and-postupci/>) .

In addition to the fact that it only sporadically monitored broadcasting media, the MCSR has stopped monitoring online media, and practically reduced its monitoring function, prescribed by MCSR Statute<sup>23</sup>, sveo samo na štampane medije, od kojih svi nijesu njegovi članovi. to the print media only, of which only some media are members of that self-regulatory body. **The MCSR should critically examine the way in which it exercised its monitoring, adapt its Statute to its actual possibilities, and reduce the scope of its monitoring to the media outlets who are its members.**

Even though the Statute of MCSR prescribes that its Monitoring team should consist of the MCSR Executive Secretary and three media experts selected by the Management board for the period of four years, the third member of the team has never been appointed. Considering that MCSR MT continuously decides in incomplete composition and that there is no Rulebook on its work, the legitimacy of its decisions made so far may be brought into question. **The MCSR should complete its team as prescribed by its Statute, or adapt the Statute to the current reality. This applies to the members of the Monitoring team as well, since it is not advisable that they are called media experts in the Statute, but in reality they are journalists/editors working in media outlets, which are members of the MCSR.**

Examples presented in this report show that self-regulators often disagree over the interpretation of the Guidelines for Principle no. 4, concerning the right to correction and reply, which may be due to imprecision of the guidelines. **During the announced work on amendments to the Code, guidelines for the Principle no. 4 referring to the use of the right to correction and reply should be aligned with the provisions of the Media Law.**

### **3.2. Activities of the Self-Regulatory Local Press Council**

#### **3.2.1. General information**

##### **The reports**

During the period covered by this report, the Self-Regulatory Local Press Council did not publish any report on its activities. Statute of the Council provides for the issuance of annual reports. The last report was published in early March 2013 - a year and a half ago.<sup>24</sup>

#### **3.2.2. Conclusions and recommendations**

Since the said Council does not report on its work or have a website containing information on its other activities, the impression is that this self-regulatory body exists only on paper. **In order to be regarded**

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<sup>23</sup> "The monitoring team monitors, records and at conferences (at least once every 60 days) for journalists publishes a report on violations of the Code of Journalists of Montenegro" ... "The report of the Monitoring Team covers the electronic media, daily and weekly print media and relevant web sites." (Art. Statute 21 MCC),

<sup>24</sup> Self-Regulatory Local Press Council published its first and so far the only report on 3 March 2013, stating that not a single instance of violation of the Code of Montenegrin Journalists has been recorded in the media that are its members.

**as a credible self-regulatory body for the local press, the Self-Regulatory Local Press Council should critically review its past work.**

The Council still lacks a specific act that would regulate operation of its Court of Honour (Monitoring Team), a body provided for by the Statute, and the procedures for filing complaints and acting upon them. The existence of such act could stimulate potential complainants. **It is necessary that an appropriate body of the Self-Regulatory Local Press Council adopt a document regulating the work of the Court of Honour (Monitoring Team) as well as the procedures for filing complaints and acting upon them.**

### **3.3. Activities of TV Vijesti Ombudsman**

#### **3.3.1. General information**

As already mentioned in the section of this report dealing with the current situation in media self-regulation in Montenegro, in the period between 1 March and 1 September (the end of the work on this report) TV *Vijesti* had no ombudsman, since, as HRA has been unofficially informed, journalist Aida Ramusović withdrew from her office, and TV *Vijesti* Director failed to appoint another person to replace her.

#### **3.3.2. Conclusions and recommendations**

TV *Vijesti* failed to notify the public about the cessation of work of their ombudsman. Also, there is no information on whether citizens' complaints have been arriving in the meantime and what happened to them or what would happen with any complaints in the new situation. **TV *Vijesti* should appoint another person to the office of ombudsman as soon as possible, if they want to continue this form of self-regulation. If for some reason this cannot be done in a relatively short period of time, this media outlet is obliged to give notice to its viewers.**

### **3.4. Activities of daily Vijesti Ombudsman**

#### **3.4.1. General information**

##### **The reports**

Ombudsman of daily *Vijesti*, Božena Jelušić, has regularly published monthly reports on her<sup>25</sup> work during the period covered by this report. Reports include complaints, information about decision-making procedures regarding the complaints, the very decisions, procedures associated with objections and suggestions submitted to the Ombudsman by readers, as well as information on other activities of

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<sup>25</sup> Since the Ombudsman is female (Božena Jelušić), female pronouns will be used hereinafter.

the Ombudsman. In the period from 1 March to 1 September, *Vijesti* Ombudsman published five monthly reports on her work.

### **Transparency of operation**

Daily *Vijesti* Ombudsman publishes her reports on a separate page of *Vijesti* portal<sup>26</sup> and visitors can comment on them. Menu at the top and bottom of the portal homepage has a link to Ombudsman's page.

Information regarding Ombudsman's decisions on complaints is published periodically, regardless of monthly reports.

### **Informing of citizens**

Portal *Vijesti* page intended for information concerning the Ombudsman also contains the rules of procedure related to her work, so that citizens can be informed on how they can protect their rights with the help of Ombudsman.

In printed publications of daily *Vijesti* in the period covered by this report, there was no call to readers to complain to the ombudsman in case of need. On the redesigned *Vijesti* portal below each text, in addition to regulatory notice on commenting, there is a notice that anyone who believes that the text violated the Code of Journalists can contact the Ombudsman. The notification also includes a link to the application form.<sup>27</sup>

### **Other activities**

During the period covered by this report the Ombudsman participated in the work of the Regional Conference of self-regulatory bodies that took place in Pristina on 24 and 25 March, supported by the Ministry for Foreign Affairs of Norway and the Council of Europe. As stated in the report for March, at this meeting the Ombudsman learned about German practice in the work of ombudsman, which helped her in deciding on some complaints. At the conference the participants signed the Memorandum of Understanding among representative of self-regulatory bodies and the establishment of a network of self-regulatory bodies of Southeast Europe *Media Self-Regulatory bodies Network of South-East Europe* (MEDIA NETHics).

In June *Vijesti* Ombudsman participated in the work of *Legal Leaks* workshops for journalists, organized by the Communication and Information Sector of UNESCO, in cooperation with *Access Info Europe*, Media Council for Self-Regulation (MCSR) and *South East European Network for Professionalization of the Media*. The Ombudsman received an invitation to attend the workshop after objections that the Montenegrin media scene is represented only by MCSR members.

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<sup>26</sup> <http://www.vijesti.me/ombudsman/>

<sup>27</sup> <http://www.vijesti.me/obraci/prijavi-ombudsmanu>

### **3.4.2. Results of operation of daily *Vijesti* Ombudsman**

From 1 March to 1 September 2014, when this report was concluded, the Ombudsman decided on 17 complaints and acted about 10 different complaints or objections not meeting the form prescribed by the Rules of Procedure of the Ombudsman.<sup>28</sup>

In the case of nine complaints, the Ombudsman wholly or partially upheld complainants' arguments, while rejecting eight complaints as unfounded or because the procedure had not been brought to an end due to the withdrawal of complainants.

In the case of three complaints, where the Ombudsman acted in favour of the complainants, complaints concerned the comments below website articles, which were removed or returned upon Ombudsman's reaction. In these cases the Ombudsman did not establish which Code principles has been violated.

As regards other cases it was noted that Principle 1 was violated in whole or in part twice, Principle 3 three times and Principle 4 also three times.

In the case of appeals or objections, the Ombudsman rejected three as unfounded, while accepting the rest or, in direct communication, expressing her understanding for the opinion of people who submitted them.

An illustrative example is one of the accepted objections, which was of general nature and concerned the use of word "autistic" in text "Catastrophically bad *Atomski zdesna* and a few feet deeper to the bottom", because, as the author of the objection noted, it was an indirect stigmatization of those suffering from this disease. The Ombudsman proposed a correction, which was done in agreement with the Editor of *Vijesti* portal and text author Radenko Savić. The word "autistic" was replaced by word "hermetic".

In the report for March the Ombudsman indicated that she had willingly reacted in order to remove comments below the article about actress Pamela Anderson's confessions, in which she admitted that

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<sup>28</sup> II COMPLAINT

Art. 3

Complaints must meet the following criteria in order to be further processed:

- be made in writing and submitted by e-mail,
- refer to a specific content published in *Vijesti*, considered to be in conflict with the Code of Montenegrin Journalists,
- if complaints are submitted in writing, include printed content published in *Vijesti* that is considered to be contrary to the rules of the Code, and if submitted in electronic form, include a web link to the published content considered to be contrary to the rules of the Code or scanned content, or otherwise attached to the e-mail,
- filed in a timely manner, as follows:
  - If the content was published in the printed edition - within 30 days of the publication,
  - If the content was posted via the Internet or other platform accessible to the public at all times, until such content is removed,
- relate personally to the complainant, or include written consent of a person who believes that the published content violated their rights,
- specify e-mail address or post address to receive mail,
- if content is related to a juvenile, the complaint must be filed by a parent or legal advisor of the juvenile, or with parents' written consent given to a third person to file the complaint instead of the juvenile,
- must contain full name of the person filing the complaint, if a physical entity, or full title and ID number if a legal entity.

she had been raped in childhood. One comment was, as stated by the Ombudsman, "a classic example of blaming and shaming the victim", while others "justified rape".

Regarding the commentaries of visitors of *Vijesti* portal, the Ombudsman announced that she had advocated that they be disabled for the news published in the so-called crimes&accidents column.

The Ombudsman openly complained that her mediation between the editorial staff, on one hand, and legal representative of businessman Zoran Bećirović, on the other, had failed owing to, as she stated "extremely stubborn positions and distrust on both sides," and that, in one case, editorial staff disobeyed her request to make a statement on the occasion of the received complaint, not preventing her from dismissing the complaint entirely.

### **3.4.3. HRA analysis of operation of daily *Vijesti* Ombudsman**

From what one could estimate on the basis of a limited insight (author of this analysis can draw conclusions based solely on what is stated in the Ombudsman's reports, and not on the basis of the complete material - text, complaint, statement of editorial staff, decision of the Ombudsman) into the complaints' content and complaints handling procedure, in her work the Ombudsman observed the procedures prescribed by the rules<sup>29</sup> of ombudsman's work and, in our opinion, in all cases, except one she acted rightly from the standpoint of protection of the Code. On the basis of such insight it is also possible to conclude that the Ombudsman has a thorough approach to complaints and objections of readers, insisting, at the same time, righteously, on a mediating, not adjudicating aspect of her role, which is in accordance with the rules of ombudsman's work and in a spirit of self-regulation.<sup>30</sup>

An illustrative example of such approach is unsuccessful mediation, when the Ombudsman decided differently than MCSR MT.

The subject of a complaint was part of the text titled "Beppler Director complains – they want to expel me from the Montenegro", in which the disputed sentence reads "Golikov, who was expelled, had previously accused his former **partner** Zoran Bećirović, with whom he now has a legal dispute, of being the man behind it all...". Thus, according to Bećirović's legal representative, the newspaper violated Principle 1 of the Code related to the respect for truth and search for truth, as well as the standard of inviolability of facts under Principle 3 of the Code because "Golikov was never Bećirović's partner". According to the Ombudsman, the editors assured her of their readiness to publish any correction of any misstatement if the attorney would address them in this regard. However, as stated by the Ombudsman, Bećirović's attorney expressed doubts about the benevolence of daily *Vijesti* and stressed

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<sup>29</sup> <http://www.vijesti.me/vijesti/poslovnik-o-radu-zastitnika-prava-citalaca-vijesti-165786>

<sup>30</sup> For example, the Rules of Procedure of the Council of Honour of the Croatian Journalists' Association, in Art. 6 states: "If proceedings between two parties is initiated and conducted before the Council of Honour, the Council will primarily try to resolve the dispute so that an agreement is reached between the parties. If an amicable settlement is not possible, the Council of Honour will bring its judgment."

The Media Self-Regulation Guidebook - Questions and Answers, released by the OSCE in 2008, states, among other things: "Self-regulatory bodies work best when both sides in a dispute are brought together through mediation and cases are resolved through corrections, apologies and so on."

that the only satisfaction in this case was the Ombudsman's decision on the Code violation. She stated that she had recommended the editors to clarify the word "partner" in the disputed content, however, according to her, "mediation in this case generally failed, due to the extremely stubborn positions and distrust on both sides."

In our opinion, the complainant could have realized his rights using the right to correction and reply, provided under Principle 4 of the Code and the Rules of Procedure of *Vijesti* Ombudsman. Effort of the Ombudsman to be more of a mediator<sup>31</sup> than an adjudicator was more in the spirit of self-regulation and in line with what is required by the rules of her work, as well as with the recommendation from the first report of HRA<sup>32</sup>. The complainant, according to the Rules of Procedure, "may submit a request specifying a settlement proposal for rapid correction of violations of the Code Montenegrin Journalists and elimination of the consequences of such violation", and his proposal "must specify the obligation of *Vijesti* and manner and terms of carrying out that obligation". It is further stated that "the obligation of *Vijesti* from the preceding paragraph of this article may include removing of the infringing content, publishing of a response to information or publishing of a correction, public apology and other obligations that would remove the consequences of a breach of the Code."

We agree with the Ombudsman's assessment in case of a complaint in relation to which the editorial staff did not provide their opinion, submitted by Milovan Baždar, Secretary of spatial planning of the municipality of Herceg Novi. He complained about the text regarding free access to information for 443 building permits: "Herceg Novi charges high for curiosity: seeking € 2,215 for permit copies". Baždar believed that the article had sensationalist headline and that the reporter did not seek other party's opinion, and the Ombudsman, in our opinion, correctly concluded that the reporting in this case was fully justified, as it concerned struggle for transparency and citizen participation, and the text was accompanied by a response from municipal authorities.

Of the cases mentioned in Ombudsman's reports, the only stance that HRA found controversial related to the part of a complaint regarding text "Verdict: dispute between the owners of *Avala* and *Bjanka* completed, Bećirović leaves with 40 million?", in part referring to the legend below the photo. The complainant (businessman Zoran Bećirović) felt that there was a breach of the Code in the legend below the photo, where it was stated that *Avala* hotel had been sold "below its worth, after unusual verdict of the Supreme Court." The Ombudsman assessed that the legend represented a value judgment. In our opinion, in this particular case the legend had a form of a journalistic comment (author of the text said it was not his, which implies that it was written by one of the editors), which had no basis in the article itself, because it did not present facts proving the comment in the legend<sup>33</sup>. Legend below a photograph is an integral part of a journalistic text and it must follow the same rules as other parts of the text. Thus,

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<sup>31</sup> „The ombudsman promotes dialogue between those who read, listen, and watch a news outlet and those who work for it.“ (The Media Self-Regulation Guidebook - Questions and Answers, OSCE, Vienna 2008)

<sup>32</sup> “ Self-regulatory bodies should have rulebooks that precisely regulate the process of mediation between the injured party and the media that the complaint or appeal is related to, and the main aim of the mediation should be the reconciliation of confronted parties and solving the problem by publishing a correction, apology, etc”. (HRA report for the period September 2012 – March 2013)

<sup>33</sup> Guideline for Principle 3 of the Code: “The comment must be a genuine expression of opinion based on facts. Comment must not be presented in such a way as to create the impression that it is an established fact.”

a legend which is, in fact, a comment must also comply with Principle 3 specifying that "a comment should not be presented so as to create an impression that it is an established fact."

#### **3.4.4. Conclusions and recommendations**

The Ombudswoman of daily *Vijesti* insists on the mediating and not adjudicative aspect of her role which is, as we believe, in the spirit of self-regulation and developing a relationship of trust between the media outlet and the citizens. Of course, the publication of corrections and responses do not have equal strength in the case of violations of all principles of the Code (unethical intrusion into someone's private life, for example), and cannot be used always as the first remedy followed by an assessment of the Ombudsman. **In order to define precisely this mediating role of its Ombudswoman, it would be necessary to define more precisely the duties of editorial board to the Ombudswoman, as well as to emphasize that the Ombudswoman shall always first mediate, in in case it does not work, make a decision in favour of either the complainant or the media.**

The Daily *Vijesti's* Ombudsman still fails to specify at all times which basic principle of the Code has been violated and in what manner, as well as to consistently follow terminology used in the Code. **When determining violations of professional ethics, it is desirable to always stipulate which principle and guideline of the Code has been breached, and in what manner. Consistent adherence to terminology used in the Code is also desirable.**

#### **3.5. Activities of daily *Dan* Ombudsman**

##### **3.5.1. General information**

###### **The reports**

Daily *Dan* Ombudsman started to operate at the beginning of March 2014 and by the beginning of September, when HRA report was concluded, published the reports on activities for the months March, April, May, and June.

###### **Transparency of operation**

Decisions of the Ombudsman partially or fully respecting the arguments of complainants are published in printed and online edition of the newspaper, while monthly reports containing information about all complaints received by daily *Dan* Ombudsman and complaint procedures are published on a separate page<sup>34</sup> of online and printed edition. Visitors to the online edition do not have the opportunity to comment on these reports, as is the case with the reports of daily *Vijesti* Ombudsman.

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<sup>34</sup><http://www.dan.co.me/ombudsman/index.php?nivo=2>



## **Informing of citizens**

On the homepage of the online edition of daily *Dan* there is a notice on Ombudsman's e-mail address and fax number, as well as the links to the Rules of Procedure of the Ombudsman and the published reports. In the printed edition we have not observed these types of calls during the reporting period.

## **Other activities**

The reports of daily *Dan* Ombudsman contain no information about his extra activities.

### **3.5.2. Results of operation of daily *Dan* Ombudsman**

In the period from 1 March to 1 July 2014 the Ombudsman of daily *Dan* received 10 complaints, majority of which in March, the first month of appointment - five. In April he received one complaint, and in May and June two each.

From the received complaints, three were filed by citizens who were not public figures, but felt that their rights had been violated by reports in some of the texts. In one case a complaint was submitted by a state official, Minister of Sustainable Development and Tourism. In other cases the complainants were filed by a businessman, a company, municipal police, sports club and football club.

The Ombudsman upheld one complaint in full, one partially, while dismissing three complaints as unfounded, one of which because it did not meet the criteria prescribed by the Rules. In four cases the Ombudsman did not state his position on a complaint, since the launched process had been resolved between the complainant and editorial staff.

The complaint fully upheld by the Ombudsman was submitted by the Minister of Sustainable Development and Tourism, Branimir Gvozdenović, which had previously been addressed to MCSR MT, and then, at their suggestion, forwarded to the Ombudsman.

### **3.5.3. HRA analysis of operation of daily *Dan* Ombudsman**

Judging on the basis of published reports and decisions (author of this analysis can draw conclusions based solely on what is stated in the Ombudsman's reports, and not on the basis of the complete documentation - text, complaint, statement of editorial staff, decision of the Ombudsman), we believe that at the beginning of his appointment the Ombudsman of daily *Dan* demonstrated adequate objectivity in dealing with complaints received, except in one case.

Similar to *Vijesti* Ombudsman, the Ombudsman of *Dan* has also tried to be more a mediator than an adjudicator, whenever possible.

In the case of a complaint of businessman Zoran Bećirović, the Ombudsman, as advised by the editor of economy column, suggested the complainant to submit his response, which he did not do. We believe that Ombudsman's suggestion on this occasion was in keeping with the spirit of self-regulation and very important for understanding the rights of citizens/readers, and developing and nurturing their relationships with the media and the role of the Ombudsman in the process.

The Minister of Sustainable Development and Tourism Branimir Gvozdenović complained about the statements from text "Corrupt millions in deals with Gvozdenović", which, he said, had attempted to mislead the public by bringing into connection his persona and his former ministry with the procedure initiated by judicial authorities of the Republic of Italy against Corrado Clini, former minister for environmental protection. The Minister described such association of his name and the Ministry of Sustainable Development and Tourism with the said case as 'extremely malevolent and unfounded', and writings of *Dan* as 'unethical and illegal'.

The Ombudsman, deciding on the Minister's complaint, stated that four basic principles of the Code had been violated (Principles 1, 3, 4 and 10), which, in our opinion, constitutes an objective judgment.

In the case of a complaint filed by JSC "Ski resort - Kolašin 1450" for article "Fired because of protests", partially upheld by the Ombudsman, it is not stated which principle of the Code had been violated. Ombudsman accepted the complainant's position that the text title was not appropriate, but noted that the text itself was balanced and objective. He suggested the editorial staff to publish his decision and apologize, which has been done.

In the case of two complaints related to unpublished reactions, the Ombudsman did not declare his position because his mediation had led to a satisfactory response of editorial staff - reactions were published. His report noted that the long (three-day) delay in publishing the reaction had been due to the lack of space in the newspaper. This lack, as explained, was due to the reporting on an election campaign.

In our opinion, the Ombudsman had to define his position more clearly with regard to editorial board's obligation to publish timely responses to texts if determined that they are compliant with guidelines for Principle 4.<sup>35</sup>

An illustrative example is a complaint submitted by a citizen from Berane, concerning inaccuracies in article "Buying votes with firewood", as it represents a proper solution without the intervention of the

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<sup>35</sup> 4.1 Corrections

(a) If a media institution discovers that it has published a report containing a significant distortion of the facts, it must publish a correction promptly and with comparable prominence. This correction must refer to the previous incorrect report.

(b) If a media institution discovers that it has published an erroneous report that has caused harm to a person's or institution's reputation, it must publish an apology promptly and with due prominence.

(c) "Due prominence" in this context means publication of the correction in the same space (in the case of print media) or within the same programme (in the case of broadcast media).

(d) Where a person or organization believes that a media report contains inaccurate information or has unfairly criticized the person or organization, the media institution concerned must give the person or organization a fair opportunity to reply, to correct any inaccuracies and to respond to the criticism. Media institution is expected to provide such right in the case of acceptance that the report in question had errors and unfounded allegations.

Ombudsman. The citizen requested the editors to publish her denial of information that she had been employed at a kindergarten with the help of the Democratic Party of Socialists and at the same time complained to the Ombudsman, asking the same. Without the intervention of the Ombudsman the newspaper published her response, in which the complainant provided documentation for her claim, thus resolving the dispute.

### **3.5.4. Conclusions and recommendations**

Daily *Dan* Ombudsman suggested that those who believe that the media have wronged them by presenting significantly distorted facts or inaccurate information should first take the advantage of opportunities suggested by the Code in Principle 4, regarding the publication of a correction or a response, and complain to the Ombudsman if they feel that the media did not respect their right and violated the Code. **Although we believe that the suggestion of the Ombudsman is correct and in accordance with the Rules of Procedure of his work, we recommend that in the initial period of self-regulation in daily *Dan* the Ombudsman be more actively involved in the establishment of trust between readers and editorial staff.**

In case of a complaint that was partially upheld, the Ombudsman of daily *Dan* failed to specify which part of the Code has been violated. **In case of establishing a violation of the Code, it is necessary to always indicate which basic principle and guideline has been violated.**

## **3.6. Activities of weekly *Monitor* Ombudsman**

### **3.6.1. General information**

#### **The reports**

Weekly *Monitor* Ombudsman started to operate on 4 July 2014; this information was published in the said weekly on the same date. By 1 September 2014, the Ombudsman has not released any information about her work.

#### **Transparency of operation**

Although the start of the work of Ombudsman had been announced, *Monitor* did not publish any document based on which the public could learn about Ombudsman's operation and decision-making process, as well as the procedures for filing of complaints and appeals.

#### **Informing of citizens**

From the moment of announcement of information that *Monitor* had appointed Paula Petričević as their ombudsman, every issue of the weekly in the section "Inbox" published basic information<sup>36</sup> about it, together with Ombudsman's e-mail address.

### **3.6.2. Results of operation of weekly *Monitor* Ombudsman**

From 4 July to 1 September 2014, when the period covered by this HRA report ended, no information was disclosed about the work of the Ombudsman<sup>37</sup>.

### **3.6.3. Conclusions and recommendations**

Commencement of the work of weekly *Monitor* Ombudsman was not accompanied by important information on the procedures and rules by which interested readers and citizens can file complaints, as well as the rights and duties of the Ombudsman in this regard. ***Monitor must publish a document regulating the rights and duties of the Ombudsman, as well as the procedures for filing complaints or objections.***

## **1. HRA COMPARATIVE MONITORING AND ANALYSIS**

*Note:* Comparative monitoring and analysis that follow apply only to work of the Monitoring Team of the Media Council for Self-Regulation (MCSR MT), and not to work of the ombudsmen of dailies *Vijesti* and *Dan*, because unlike the aforementioned singular self-regulatory bodies, MCSR MT has a duty to continuously monitor, at own initiative, compliance of media outlets with the Code of journalists, not solely to decide on complaints for violations of the Code. Ombudsmen, on the other hand, have an obligation to decide on complaints, but not to closely monitor and record violations of the Code in a media house they are responsible for. With this in mind, the results of HRA monitoring are compared only with MCSR MT monitoring, for the period from 1 March to 1 July 2014 because this period has been covered by the reports of MCSR published by the end of work on HRA report (1 September 2014).

Since HRA associates monitored the media until 1 September 2014, this analysis will also list certain examples of violations of the Code recorded after the publication of the last MCSR report, in the period from 1 July to 1 September, but these data will not be compared with the findings of MCSR MT.

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<sup>36</sup> "Our Ombudsman Paula Petričević, well known civil activist, started to work. Petričević will regularly monitor the operation of *Monitor* and warn of possible violations of ethical principles and professional standards. Her activities will be transparent, and all of her key findings and decisions will be published in our weekly. Readers are invited to contact the Ombudsman if they consider that the editorial board violated the standards of the profession. Complaints and comments can be sent to e-mail: monitor.omb@gmail.com."

<sup>37</sup> In the communication between the report's author and the Ombudsman we have learned that by 1 September one appeal had arrived and was taken into consideration by the Ombudsman.

<b>VIOLATIONS OF BASIC PRINCIPLES OF THE CODE OF MONTENEGRIN JOURNALISTS</b> <b>1 MARCH – 1 JULY 2014</b>		
<b>Media outlet / daily</b>	<b>MCSR MT Monitoring / complaints</b>	<b>HRA Monitoring</b>
Dan	54	120
Dnevne novine	6	164
Vijesti	25	80
Pobjeda	3	47
Blic CG	6	40
Informer CG	34	/
<b>Total</b>	<b>128</b>	<b>452</b>
<b>Media outlet / portal</b>	<b>MCSR MT Monitoring / complaints</b>	<b>HRA Monitoring</b>
Portal Vijesti	12	28
Cafe del Montenegro	/	20
IN4S	/	11
Portal Analitika	/	6
<b>Total</b>	<b>12</b>	<b>65</b>
<b>Media outlet / TV</b>	<b>MCSR MT Monitoring / complaints</b>	<b>HRA Monitoring</b>
Pink M	/	34
TVCG	/	11
TV Vijesti	/	19
Prva TV	/	7
TV Atlas	/	1

<b>Violations of the Code of Montenegrin Journalists</b> <b>1 March - 1 July 2014</b>		
<b>PRINCIPLES</b>	<b>MCSR Monitoring / complaints</b>	<b>HRA Monitoring</b>
<b>Principle 1</b>	91	64
<b>Principle 2</b>		1
<b>Principle 3</b>	17	15
<b>Principle 4</b>	14	
<b>Principle 5</b>	6	16
<b>Principle 6</b>	1	
<b>Principle 7</b>	4	
<b>Principle 8</b>	4	24
<b>Principle 9</b>		2
<b>Principle 10</b>	15	233
<b>Principle 11</b>		19
<b>Principle 12</b>		151
<b>Total</b>	152	525

#### 4.1. Principle 1 of the Code

*Duty of a journalist is to respect the truth and persistently search for it, having in mind a right of the public to be informed and human need for justice and humanity.*

##### **4.1.1. Violation of Principle 1 in print<sup>38</sup> and online media**

From 1 March to 1 July 2014 MCSR MT recorded 78 violations of Principle 1 in newspapers and online media. Deciding on complaints, MCSR MT found that this principle has been violated 13 times, thus, a total of 91 times.

According to data from the monitoring, MCSR MT found that in 25 cases some other basic principle of the Code has been violated together with Principle 1. Data obtained on the basis of consideration of complaints showed that in seven cases of violation of Principle 1, another basic Code principle has also been violated.

Based on monitoring data, MCSR MT found 28 examples of violations of Principle 1 in daily *Dan*, 18 examples in *Informer CG*, 13 in daily *Vijesti*, six in daily *Blic CG*, in *Dnevne novine* four examples, in *Pobjeda* three, and six examples on *Vijesti* portal.

According to the data obtained in deciding on complaints, MCSR MT found that *Dan* and *Vijesti* violated Principle 1 six times, and *Dnevne novine* once.

Dailies *Dan*, *Vijesti* and *Informer CG*, where MCSR MT found most cases of violation of Principle 1, are not members of MCSR. From the beginning of operation of this self-regulatory body, *Dan* and *Vijesti* have not accepted its jurisdiction in disputes with readers, but now resolve the disputes through their own ombudsman.

According to the records of HRA associates, from 1 March to 1 July 2014, Principle 1 was breached a total of 64 times. With the exception of *Informer CG*, not monitored by HRA associates, our ranking of print and online media by frequency of violations of Principle 1 corresponds to the list established by MCSR. According to data based on HRA monitoring as well, daily *Dan* was responsible for the majority of violations of Principle 1 – total of 26. Daily *Vijesti* violated the same principle on 10 occasions, *Blic CG* seven, *Dnevne novine* six, and *Pobjeda* on three occasions.

According to HRA associates, internet portal *IN4S* breached Principle 1 five times, *Vijesti* portal four times, portal *Cafe del Montenegro* three times. Data obtained from the monitoring by HRA associates for the entire reporting period, over a longer period of time (from 1 March to 1 September), show that there was a total of 101 examples of violation of Principles 1 of the Code, of which 44 were found in daily *Dan*, 17 in daily *Vijesti*, 13 in daily *Blic*, Montenegrin edition, nine in *Dnevne novine* and three in

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<sup>38</sup> HRA did not have the capacity within this project to conduct regular monitoring of daily *Informer*, Montenegrin issue, that started publishing on 10 March 2014.

*Pobjeda*. As for monitored online media, six examples were recorded on *Vijesti* portal and five each on portals *IN4S* and *Cafe del Montenegro*.

Some examples of violations of Principle 1 during the period from 1 March to 1 July recorded by both HRA associates and MCSR MT and opinions about them are identical in whole or in part (15), but there are more examples (33) where HRA estimated that MCSR MT had failed to evaluate in the best way the conduct of different media.

Below are several illustrative examples of assessment provided by MCSR MT that we do not agree with.

MCSR MT found violation of Principle 1 in article "Plowed Orthodox cemetery" published in daily *Dan* edition of 4 March 2014, in which a resident of Bać village in Rožaje claimed that one of the local villagers had plowed Orthodox cemetery. MCSR MT labelled those as serious charges that should have had stronger evidence than unverified statements. We, however, think that the journalist in this case made an effort to learn the truth and that he had contacted all relevant sources. In addition, some of these sources (lawyer of the alleged victims' families and former owner of the land) partially confirmed the claims of the main source of the story, while nobody, except for the person who was called out, rejected them.

In the opinion of MCSR MT, newspaper article "Train beheaded a dog, apparently tied to the tracks" published on 4 March in *Pobjeda* represents an example of sensationalism. We believe that this text does not contain elements of sensationalism, but points to the problematic treatment of animals. In addition, this was a dog on which the media had previously reported as a favourite in this part of town.

In the case of articles published in *Dan* and *Vijesti* on 27 March 2014, entitled "Inspector offered 10 thousand for perjury" and "Inspector offered me money to falsely testify", MCSR MT established a violation of Principle 1 because the statement of the police inspector accused by a man with a police record was published in small boxes. MCSR MT believes that the accused inspector's statement was published just to formally comply with the rule of other party, while serious allegations against him were substantially much more apparent. HRA, however, believes that separating the statement in the box stressed its importance, since the purpose of boxing in a paper lies in the fact that something is highlighted, not hidden.

Some of these examples not mentioned here, that we feel were not well-chosen, were omitted from MCSR MT report<sup>39</sup> prepared for the round table on media self-regulation, organized by MCSR in early June in cooperation with the Council of Europe.<sup>40</sup>

HRA and MCSR MT, for example, share the opinion that Principle 1 was violated in an article published in *Blic*, Montenegrin issue of 9 March, titled "Gay parade on St. Vitus". Author of this article cited an unnamed source, while gay activists or potential organizers of the parade had not been consulted. It

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<sup>39</sup> Report on the work of Montenegrin print media for the period 1 January - 1 May 2014.

<sup>40</sup> [http://www.pobjeda.me/2014/07/03/okrugli-sto-o-postovanju-novinarskog-kodeksa-mss-problem-dalje-tacnost-informacija/#.VB\\_QdldqDTd](http://www.pobjeda.me/2014/07/03/okrugli-sto-o-postovanju-novinarskog-kodeksa-mss-problem-dalje-tacnost-informacija/#.VB_QdldqDTd)



turned out that the information, which was denied on the same day, was a mere rumour. Violation of the guidelines for Principle 1 relating to accuracy has been further "spiced up", according to the HRA, by highlighting provocative information in the title that the parade will be organized on an important religious holiday.<sup>41</sup>

Opinions of HRA and MCSR MT are congruent in another example of violation of Principle 1 in daily newspaper *Blic*, Montenegrin edition. It is an article with headline "Scandalous statement by Nebojša Kaluđerović at the debate on the Alliance" and title "NATO does not need to apologize for murdering children," published on 30 March. The report published in *Blic* shows that Nebojša Kaluđerović, Advisor to the Prime Minister of Montenegro, did not say what was attributed to him in the title, but, when asked about the responsibility for the bombing of Murina bridge, he said that the then Belgrade government should apologize, since they had known that the bridge would be a military target.

HRA agrees fully or in part with MCSR MT in the case of evaluating ethical quality of several articles published in daily *Dan*, based on the findings of NGO Network for Affirmation of NGO Sector (MANS). Although MANS did not substantiate their claims with indisputable evidence, in the texts they are treated as proven fact and highlighted in the headlines. *Dan* did not even try to verify MANS claims with independent sources, or, at least, provide the opportunity for the other side to state their opinion.

We believe that non-governmental organization can be good allies to investigative journalists, however, NGO activists cannot replace journalists, who should approach all information, regardless of the source, guided by highest professional and ethical standards.

Both MCSR MT and HRA associates observed a violation of Principle 1 in text "Željko Ivanović: Political poltroons, we will get you", published in *Pobjeda* of 22 April. The text is a report on the incident that took place in a restaurant in Podgorica. Participants in the incident were, on one side, *Vijesti* executive director Željko Ivanović and his bodyguard, and on the other two men from Podgorica, known as members and activists of the Democratic Party of Socialists (DPS). *Pobjeda* has offered its readers a version of events only from the perspective of members of DPS, emphasizing thus one aspect of the story.

MCSR MT also established that, reporting on the same incident, *Vijesti* made the same ethical violation for publishing a version of the events from the perspective of their chief executive and his bodyguard. We believe that daily *Vijesti* is not guilty of one-sided reporting of the event, because the said daily provided the opposite side's version of events by quoting criminal charges filed against the executive director of *Vijesti* and his bodyguard by other actors of the event.

We will also mention two illustrative examples of violations of Principle 1 identified by HRA associates, but not MCSR MT, although the examples come from the media who are the members of MCSR.

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<sup>41</sup> Guideline (b) The public's right to be informed does not justify sensational reporting. Therefore, journalists must not distort information by exaggeration, by placing improper emphasis on one aspect of a story or by giving only one side of the story. They must avoid using misleading headlines or advertising slogans. The facts must not be distorted by reporting them out of the context in which they occurred.

On 24 March *Dnevne novine* published an article titled "Cancelling passport stamps because they can", where a woman from Bijelo Polje told a journalist her version of the story of how Serbian border police officers cancelled her passport stamps from Kosovo border crossings. She said that they had told her they "do whatever they want". In this case there was no attempt on the journalist's side to find out whether it was in fact the border police autocracy or they were bound by certain regulations to take such action. Due to this one-sided reporting, i.e. believing the words of a source presenting herself as a victim, and emphasizing only one aspect of the story, several guidelines for Principle 1 have been violated.

On 25 May *Pobjeda* daily published an article written by Marko Vešović, taken from Belgrade-based online media house *E-novine*, with heading "How Miodrag Lekić defends Meda Zemunac" and title "Scumbags from Draža's front". The article states, as a proven fact, never confirmed rumours that Nebojša Medojević, leader of the opposition party Movement for Change, was a member of the so-called Zemun clan.

One of the texts from internet portals noted by HRA associates as an example of violation of Principle 1 is an article published on 12 March on *IN4S* titled "Regime tycoons attacked Ivan Zanković at his doorstep and threatened him". The text was based only on what the damaged side had stated, and there was no attempt to verify his version of events.

One-sided reporting and lack of effort to establish the truth was established by HRA associates in text "Petrović outraged by the judiciary: Who is to blame for a dog attack?", published on *Vijesti* portal on 30 May. The article presented a claim brought by one party in the litigation, which did not accept the version of the truth established in court proceedings. In such cases, it is not enough that the media provide an opportunity to the unhappy to say how they think they have been damaged, but to try to further investigate the case. Thus, one aspect of the story is emphasized and it appears biased.

On 14 March portal *Café del Montenegro* placed an information, which was yet to be verified, as an established fact in the news title. The title read: "Greenwich and Buddha Bar co-owner killed himself", while the text, in fact, specified that this was unofficial information, creating an impression that the person who wrote the title cared more about sensation than accuracy.

#### **4.1.2. Violation of Principle 1 in TV news programmes**

In the last two reports relating to the period from 1 March to 1 July 2014, MCSR MT did not record any instance of violation of Principle 1 in TV programmes.

HRA has conducted monitoring of primetime TV news programmes in Montenegro - *Pink M*, *Vijesti*, *Atlas* and *Prva*, and in the period from 1 March to 1 September recorded 19 violations of Principle 1.

The largest number of violations was recorded in the television programme of *Pink M* (7), followed by *TVCG* and *TV Vijesti* with five each, and *Prva* - two violations of this principle.

One-sided reporting, i.e. emphasis on only one aspect of the story or making of allegations, claims or attacks on people or institutions, whose response, or versions of events have not been broadcasted, are among the most common reasons of violation of Principle 1 in television programmes.

There were several cases of broadcasting of a response to events or statements, which have not been previously aired, or adequately clarified at the moment of reaction.

Principle 1 - integrity and accuracy - has also been violated by keeping silent and suppressing essential information.

PINK M: INFOMONTE, 10 March - *Incomplete and unverified information was broadcasted, based on allegations of a journalist that "citizens spend all their free time in coffee bars or at home because, as they say, they do not have the habit of visiting cultural events".* This claim was illustrated by the statement of four survey respondents on the streets of Podgorica, partially confirming thesis of the journalist, but was not supported by any relevant data on the actual number of citizens of Podgorica visiting or not visiting cultural events.

PINK M: INFOMONTE, 31 March - In a report on the expected start of the trial of former managers at CKB, new accusations were presented against the defendants, as well as against several other persons, without providing evidence or distancing themselves, which may have created the wrong impression of an already established fact. The report did not include the positions of people who were called out, or their representatives. "During this period Tatar and Ljumović had granted millions of euros in loans to their family members, to buy CKB shares, but the loans were later written off by the Bank. Under the same scenario, millions in loans had been granted to *Vijesti* owners: Miodrag Perović, Željko Ivanović, Slavoljub Šćekić and Ljubiša Mitrović, without coverage and using the accounts of Russian citizens as collateral with forged supporting documents of several people."

TV VIJESTI: NEWS AT HALF PAST SIX, 10 April - A story was broadcasted about the alleged physical conflict of two lawyers in the building of Ulcinj Court in an incomplete, one-sided manner, since the information about what had happened was presented as an established fact, although it was based solely on the testimony of one of the actors in the conflict. Without any distancing from the statement, it was reported that "around noon, in Ulcinj Court, lawyer Nebojša Batrićević assaulted his colleague Vanja Mugoša shortly before a trial", however, later in the report it was noted that Mugoša stated that and Batrićević did not want to comment.

PINK M: INFOMONTE, 19 April - In the broadcast of an interview with Serbian businessman Stanko Subotić from daily *Pobjeda*, his views on others were broadcasted without indicating that this was a quote, his personal opinion, not a fact. *"They are the main creators of media lies about him, believing that the lies will sooner or later turn into the court truth. That is why they have tried to sell house lawyer Miško Perović as attorney general."*

PINK M: INFOMONTE, 1 May - Allegations of one of the accused for participating in an organized criminal group about Montenegrin politician Nebojša Medojević were presented as fact. *"Newspapers have been writing for years back that the leader of Movement for Changes Nebojša Medojević was associated with the members of Zemun clan. Confirmation of this came yesterday from the Special Court in Belgrade, where one of the defendants and a member of Darko Šarić group, Boban Stojiljković, confirmed that some politicians were among the clients of Zemun clan, including Vojislav Koštunica and Nebojša Medojević, who had been taking money from clan members to finance DSS and overthrow Montenegrin government."* Nebojša Medojević's reaction was not broadcasted, or information that the response had been requested.

TVCG: NEWS 2, 13 May - DPS representatives' response to articles previously published in dailies *Dan* and *Vijesti* about the alleged purchase of ID cards was broadcasted, although TVCG did not provide information about these allegations or complete information about what had been published in the mentioned papers in introductory part to a reaction from DPS. An official of DPS accused *Vijesti*, *Dan* and NGO MANS of *"stating most brutal lies for months for DF needs"*, however, positions of the accused were not announced or that they were given the opportunity to respond.

PRVA: NEWS, 20 May - News report about the possibility of one person chosen by an expectant mother to be present at childbirth at the Clinical Centre is contrary to journalistic guidelines concerning the need for accurate and balanced reporting. The report stated that *"many men would gladly bypass that experience,"* but there were no data from a survey to support this statement, which was based solely on the testimony of two people surveyed on the street.

TV VIJESTI: NEWS AT HALF PAST SIX, 25 May - In the report concerning irregularities at polling stations allegedly established by MANS, a journalist literally transmitted the claims of MANS representatives, stating, among other things, that *"as the day progressed, and irregularities piled up, harassment and physical attacks also piled and"*, although at that time he had a statement from an allegedly attacked person and completely contradictory statements of an alleged attacker, while not being present at the scene himself or citing potential witnesses' statements.

TVCG: NEWS 2, 25 May - Although a few days prior to elections it was reported during this programme that CDT and MANS would monitor local elections, on the election day MANS findings have not been mentioned once. This represents a violation of Principle 1 since a report on the election day was not complete because of *"keeping silent and suppressing essential information"*, that the guidelines for this principle point to.

PINK M: INFOMONTE, 25 May - TV *PINK M* central news programme did not announce anything about the allegations of MANS that numerous irregularities were noted at the elections, so their viewers did not get the complete information either. Nevertheless, DPS reaction to the allegations of MANS was broadcasted.

PINK M: INFOMONTE, 25 May - Guideline for Principle 1, explicitly stating that all announcements, including those of political parties "must be clearly marked as such", was breached in the case of DPS statement that "MANS activists, together with the representatives of Democratic Front dominate in violations of the electoral process." Although it was noted in the report announcement that this was a statement, the report transmitted DPS remarks without notice that this was an attitude of a political party, and not a report, analysis or journalist's commentary.

PRVA: NEWS, 25 May - Claims of a political party (DPS) were partially transmitted, without being clearly marked as such, in a report on irregularities in the election. "Unofficial information" from other media was also broadcasted, asserting that "Ćalović has provoked and belittled members of the electoral committee," but there is no other side. *Prva* also failed to report about the claims of MANS that there were irregularities in the election process.

TVCG: NEWS 2, 26 May - In a report announced as an overview of reactions of the opposition to local elections results and analysis of possible coalitions, a reporter presented several personal opinions and comments that are contrary to Principles 1 guideline, which states that journalists' comments must be genuine. It was stated that "SDP supported by Pozitivna in Podgorica selflessly gave *wind in the sails* to Democratic Front, on the pretext that both Podgorica and Montenegro need changes," as well as that Miodrag Lekić "supported by broad civil logistics *has nowhere managed to get hold of power*." Phrases "on the pretext" and "to get hold of power" suggest that the opposition had tried to obtain what did not belong to them in an unfair and inadmissible manner, which cannot be considered a genuine comment in a democratic society.

TV VIJESTI: NEWS AT HALF PAST SIX, 27 May - The claim of MANS members that they had been attacked at the premises of the Municipal Election Commission was transmitted as fact, even though there was no confirmation of independent sources, or statements of witness or other actors of the event. Based on a brief footage broadcasted as part of the report, recorded by MANS members, one could not determine with certainty what had exactly happened.

TVCG: NEWS, 2 June - Information was released that the Speaker of the Parliament Ranko Krivokapić spoke with Director of MANS Vanja Ćalović about the report of her organization on local elections held on 25 May, without mentioning any conclusions of that organization, which, as reported by other media, pointed to numerous irregularities in the electoral process. Such reporting led to a breach of guideline 2 for Principle 1, which speaks of accuracy, and states that "*journalists must endeavour to provide full reports of events and must not be silent about or suppress essential information.*"

PINK M: INFOMONTE, 26 June - Although the programme failed to include information from the press conference at which Vanja Ćalović accused the director of the Institute for Public Policy, Vladimir Popović, of creating an affair about which newspaper *Informer CG* wrote, his reaction was aired, stating that he would sue Ćalović because of "unscrupulous lies and deceptions in her statement that he had edited and distributed pornographic sex tape with an animal." Since Ćalović's statement that Popović

had reacted to was easily accessible to *Pink M* journalists, it was necessary to present the content of that statement to their viewers in order to avoid one-sided reporting.

TVCG: NEWS 2, 26 June - Report from the press conference of MANS Director Vanja Čalović did not include her assessment that release of a porn video on the Internet, that newspaper *Informer CG* wrote about mentioning her name, had been a revenge of "chief of DPS," and that he was a close friend of Vladimir Popović, for whom she asserted to have uploaded the controversial footage on the Internet. Since these were serious allegations against the Prime Minister, and since TVCG had already released a statement by the Prime Minister on this case, the omission of this assessment represents a violation of Principle 1, guideline 2, which in the part on accuracy specifies that "journalists must endeavour to provide full reports of events and must not be silent about or suppress essential information".

TVCG: NEWS 2, 26 June - Response of Democratic Party of Socialists to Vanja Čalović's statement was aired, although part of her statement that the response of DPS related to was not transmitted during the news programme. Namely, even though the News reported from the press conference of Vanja Čalović, the part when she accused "DPS chief" for his role in the affair published in *Informer* was omitted, presenting thus one-sided and incomplete information to viewers.

TV VIJESTI: NEWS AT HALF PAST SIX, 7 July - A rule of the other party was violated in a report about the decision of the High Court Judge Miroslav Bašović to grant pre-trial release to a murder suspect, since there was no explanation of such decision of the judge, or note that the reporter had tried to obtain information from the court or judge. Furthermore, the report stated that such judge's conduct was "unprecedented in the jurisprudence," but this claim was not substantiated by the facts, mentioning only anonymous sources - "attorneys we have contacted". Guideline 2 states that the public's right to know "cannot be an excuse for sensational reporting" and that journalists "must not distort information by exaggeration, by placing improper emphasis on one aspect of a story or by giving only one side of the story."

TV VIJESTI: NEWS AT HALF PAST SIX, 31 August - In a report about Rožaje, as an alleged recruitment centre for soldiers fighting in Syria on the rebels' side, several guidelines for Principle 1 were breached.

Both the announcement and the report included full name of a person claimed to have gone to Syria last year "in order to help his brothers in faith", accompanied with photographs of an armed man with a beard. The reporter offered no evidence for such claim, noting in the report that there was no official confirmation of "*bazaar stories*" about the population of Northern Montenegro going to foreign battlefields, violating thus guideline 1 on general standards, which states that "a journalist must never publish unfounded allegations about others". Both the announcement and the report stated that the mentioned person was killed on Syrian battlefield, noting that the information was not officially confirmed, again without citing any other possible sources, statements of witnesses, family members, etc. Formulation that was used reads "*it is known that he was killed last year in Syria*". Journalists are required, as specified in Principle 1, to do anything to verify the accuracy of the information, and news of someone's death especially cannot be transmitted based on "*bazaar stories*."

## **4.2. Principle 2 of the Code**

*A journalist is obliged to defend freedom and the right to collect and announce information without being disturbed as well as to give free comments and critics. A journalist should be sharp observer of those who have social, political and economic power.*

### **4.2.1. Violation of Principle 2 in print and online media**

In the reports covering the period from 1 March to 1 July, MCSR MT did not provide single example of a violation of Principle 2 in print and online media.

HRA associates noted one example in an article published in *Pobjeda*, a member of MCSR.

This is an article entitled "All Montenegrin affairs", published on 2 March<sup>42</sup>. It is dedicated to affairs that have opened in Montenegro in recent years. Comments of the author focus on information and facts supporting the government's version of the affair, while the text ends with a critique of "fog sellers" in the opposition, NGOs and so-called "independent media", and propaganda message: "All attempts to stop Montenegro on its European and Euro-Atlantic path have crashed". The article was also published in *Pobjeda* online edition.

Such one-sided, propagandistic approach to issues of great public interest represents, in our opinion, direct questioning of the essence of journalism, especially of that which is specified in the second sentence of Principle: "A journalist should be sharp observer of those who have social, political and economic power."

### **4.2.2. Violation of Principle 2 in TV news programmes**

Neither MCSR MT nor HRA associates have found violations of Principle 2 in television programmes.

## **4.3. Principle 3 of the Code**

*The facts should be sacred for a journalist, and it is his duty to put them in the right context and prevent their misuse, whether it is a text, picture or a tone. Rumours and assumptions should be clearly marked as such. It is a duty to clearly separate news from a comment.*

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<sup>42</sup> The same article, in the opinion of HRA, violated Principle 3 of the Code, as the author comments were not based on proven facts, but on assumptions, presented so as to leave the impression that it is an established fact.

#### **4.3.1. Violation of Principle 3 in print and online media**

During the period from 1 March to 1 July, MCSR MT recorded 15 examples of violations of Principle 3 based on data obtained through media monitoring. Eleven examples were recorded in the editions of *Informer CG*, three examples in daily *Dan* editions and one in daily *Vijesti*.

Based on the complaint procedures, MCSR MT found that Principle 3 was breached twice - in *Dan* and *Vijesti* dailies, hence, this principle was violated a total of 17 times.

In the same period HRA associates established 15 examples of violations of Principle 3 (also, during this period HRA did not monitor *Informer CG*). HRA associates found four examples of violations of Principle 3 in *Pobjeda*, which is a member of MCSR, and three were found in daily *Vijesti*. In *Dnevne novine* daily, also MCSR member, two violations of this principle were recorded, as well as on websites *In4S* and *Vijesti* portal. One violation each was recorded in weekly *Monitor* and daily *Dan*.

In the examples where MCSR MT found a violation of Principle 3 in daily *Dan*, in three cases it was the same texts in which violations of Principle 1 were recorded. These articles are: "Before the elections 300,000 euros for vegetables and olives" (5 May), "Buying votes with IRF money again" (7 May) and "New evidence for Prosecution" (23 May). In the case of these articles, as noted earlier, we agreed with MCSR MT that *Dan* indeed violated Principle 1, but we believe that there are no grounds to speak about the violation of Principle 3. We also believe that Principle 3 was not violated in texts "For pre-election hiring 450,000 euros provided" (*Dan*, 22 April), "Tycoons employ DPS voters" (*Dan*, 23 April) and "New evidence for Prosecution" (*Vijesti*, 23 May).

In these cases MCSR MT does not clarify assessments of violations of Principle 3, but merely states that a violation has occurred. To illustrate, when estimating unethical conduct in article "For pre-election hiring 450,000 euros provided", MCSR MT states the following: "MCSR believes that remarks such as 'The fact that the work program of the Employment Agency of Montenegro for 2013 does not at all include a project for hiring high-school students, opens a huge space for doubt...' are not well-founded for the assertion of corrupt practices".

MCSR believes that in the aforementioned case the following guideline for Principle 3 has been violated: "The comment must be a genuine expression of opinion based on facts. Comment must not be presented in such a way as to create the impression that it is an established fact."

Unlike MCSR MT, we believe that, in this case, journalist's suspicion about the existence of corruption was completely justified and in no way violated the cited guideline.

Below are several typical examples of Principle 3 violations recorded by HRA associates and overlooked by MCSR MT.



On 14 March portal *In4S* published an article titled "Biden slammed the door on Đukanović", which is not a comment grounded in an established fact, but a pure fabrication, speculation, which is contrary to guideline stating that "the comment must be a genuine expression of opinion based on facts. Comment must not be presented in such a way as to create the impression that it is an established fact."

Portal *Vijesti* on 6 May published an article titled "For Montenegrin citizens Đoković is the best athlete, Rolling Stones - best band", containing some information from a survey of public opinion conducted by Swiss Agency ICERTIAS. However, it remained unclear for whose needs the survey had been conducted. The Code stipulates that the media, when publishing the results of agencies' public polls, "should specify the number of respondents, the date of the poll, the identity of the person or organization that commissioned it, and the questions asked", and if "the agency was not commissioned to carry out the poll, it should be pointed out that it was implemented at the initiative of the agency".

Portal *Analitika* also violated the guideline that suggests how to report on opinion poll findings. Article "In the first 100 days Vučić received 'B' from the citizens", published on 26 July, does not specify who was commissioned to carry out a survey of public opinion.

In its issue of 15 May, weekly *Monitor* published a short text in the chronicles column with heading "Trial against former CKB managers postponed" and title "Prime Minister's revenge against *Vijesti*", which reflects the opinion of one of the lawyers quoted in the text. As the value judgment presented in the title was not attributed to a person responsible for it, the title can be interpreted as the position of the text author or *Monitor* editorial board (text was not signed), representing a violation of Principle 3 of the Code, which suggests that news and commentary must be separated, as well as the guideline suggesting that "comment must not be presented in such a way as to create the impression that it is an established fact."

*Dnevne novine* issue published on 29 May also violated Principle 3 by commenting where it should have only delivered information. Text with heading "Lovćen Bank registered on daughter Aleksandra's name" and title "How Ljumović tricked the law and opened a bank" should have only delivered the news of a bank establishment, but the text includes two comments suggesting that the opening of the bank had been problematic - one in the heading itself, other in the text: "By introducing a German partner to the business and registering a third person as the founder, Ljumović 'successfully' circumvented the law." If the claims about "tricking the law" were well-established, then an expert should have confirmed that, not a journalist, who, at the same time, failed to refer to any authoritative source.

In daily *Dan* of 22 May a text was published with heading "Cetinje priests and monks performed the prayer of purification at the tomb of Bishop Danilo Petrović Njegoš" and title "Mirašlije desecrated the monument." The basis of this news is a statement by Metropolitanate of Montenegro and the Littoral, which did not mention the term '*mirašlije*', which should be an affront to believers and priests of the Montenegrin Orthodox Church. Such title represents a comment and thus violates Principle 3, which, *inter alia*, suggests the necessity of the separation of news and comments.

On 3 June daily *Vijesti* published an article headed "Domestic violence" and titled "Annually 50 people seek treatment." The article used a photograph of a group of children, with a legend underneath it: "Children among victims as well". However, there was no information regarding the origin of the photo or its function. A photograph used to illustrate an article dealing with a sensitive subject was placed in an improper context, since one could conclude that these very children were the victims of violence.

Daily *Pobjeda* of 16 June published an interview with heading "Šeki Radončić - journalist, writer, filmmaker" and title "Media mafia attempts to seize power." One of the questions that the reporter asked the interviewee was: "At the end of your book reader remains stunned by the fact that private Montenegrin media had in some way caused the tragic end of three men?". The interviewee responded the following: "Private Montenegrin media, which present themselves as independent, have caused deaths of a senior DPS official Mladen Brajović, policeman Božidar Jauković, and prosecutor Darko Đukić...". The question suggested that this was a proven fact (thus something indisputable), confirmed then by the interviewed person, without citing any evidence for his charge. This violated Principle 3 and guideline suggesting that "the comment must be a genuine expression of opinion based on facts", and that "the comment must not be presented in such a way as to create the impression that it is an established fact."

During the period from 1 July to 1 September, HRA associates noticed another 10 examples of violations of Principle 3, majority of which in *Pobjeda* - three, two in daily *Vijesti*, and one each in newspapers *Dnevne novine* and *Blic CG*, and on *Vijesti* and *TVCG* portals.

A distinctive example from these is one from *Pobjeda* newspaper, entitled "Water doesn't help, mother"<sup>43</sup>, which is a comment by the Acting Chief Editor Vesna Šofranac regarding criticism directed at that daily by the opposition politician Nebojša Medojević. The author in the commentary attributed a statement to Medojević that his "job is to trash-talk", although the same newspaper<sup>44</sup> announced that this was not Medojević's statement, but the statement<sup>45</sup> of Nikšić businessman Veselin Pejović after he had physically assaulted Medojević at Belgrade airport.

In doing so, the author of the comment breached the guideline: "The comment must be a genuine expression of opinion based on facts. Comment must not be presented in such a way as to create the impression that it is an established fact."

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<sup>43</sup> Song reference (translator's note).

<sup>44</sup> <http://www.pobjeda.me/2014/02/22/pejovic-kad-me-ne-poznajes-sto-lajes-medojevic-posao-mi-je-da-lajem/#.VAXlUGPw9KI>

<sup>45</sup> "Together with his wife Medojević approached the entrance to the gate for Podgorica, and behind him was Veselin Pejović with his lawyer Zoran Vukčević. At one point Pejović approached the leader of PzP, and commented: Here's the scumbag, hey scumbag. Medojević then turned and said: I do not know you.

Pejović asked him: You do not know me, I'm Pejović, you call me out every day and talk trash about me. Why if you don't know me?

Medojević answered: It's my job.

At this point Pejović slapped him. Medojević's wife began to scream and call for help, and Medojević told her to call the police.

#### **4.3.2. Violations of Principle 3 in TV news programmes**

MCSR MT has recorded no violations of the principle 3 in television programs. According to the monitoring of HRA, principle 3 has been violated 16 times in the main news programs of five televisions in Montenegro, in the period from 1 March to 1 September.

Just like in our previous report, almost all examples of violations of the obligation to separate the news from the comments were recorded in "Infomonte" at *Pink M* television, even 14. One violation of this principle was recorded in the „News 2” at TVCG.

PINK M: INFOMONTE, 1 March - Within the news that the American Commission for Securities and Exchange has suspended an investigation into alleged corruption in the privatization of Telekom Montenegro a comment that was released, contrary to principle 3, without being clearly separated from the information. It states that the *"affair Telekom is just one of many scandals created by the opposition parties and the media and their close foreign officials in order to present Montenegro as a hotbed of corruption and organized crime."*

PINK M:INFOMONTE: 2, mart - In the analysis of the "Telekom affair" the news and comments are not clearly separated, so viewers can get the impression that it is an indisputable fact that *"the opposition leaders and their media" in the past two years, "have been gossiping at the foreign embassies"*.

PINK M: INFOMONTE, 10. March - The news on the court's decision not to order detention of former managers of the Central Commercial Bank (CKB), Milka Ljumović and Bosa Tatar, filled with comments in an unacceptable way. It is reported that the court *"did not have the courage"* to order detention and that the defendants and *"protectors of their media created in advance a climate of fear" and "a picture of the alleged innocence of the accused."*

PINK M: INFOMONTE, 12 March - News and comment are not separated in the news about the decision of the State Election Commission to reject the charge of MANS on alleged violations of the law on financing political parties. Without notice or a comment that this was a commentary, it was stated that the law *"was clearly meant to serve as a tool for daily political attacks and direct participation in the election campaign, as the opposition parties and their media comrades and coalition partners, who present themselves as experts civil society are directly used during the election process."*

PINK M: INFOMONTE, 12 April - News and comment are not separated in the report when Minister Petar Ivanovic denied writing the *Vijesti* about his connections with Darko Šarić. It was stated that *Vijesti* *"invented connections to Šarić and Ivanović,"* and that the owners of *Vijesti* thus assisted the leader of DF Andrija Mandić.

PINK M:INFOMONTE, 23 April - With the news that Montenegrin Commercial Bank (CKB) responded and denied the information published in the daily *Vijesti*, they released the comment *"this is just another in a series of untruths that this tabloid placed almost every day."*

PINK M: INFOMONTE, 6 May - In the introduction to the response of an activist of the DPS, which denies the writing of Dan, the following comment was released: *"By publishing articles on alleged vote-buying the opposition media continue to use dirty methods that impute falsehood and discredit the current government and DPS. Tabloid Dan coupled with opposition parties publishes every day sensational audio recordings of the alleged theft of votes that turn out to be unfounded and false".*

PINK M: INFOMONTE, 9 May - Information that the Prosecutor's Office revealed that the phone and the card from which the activists of DPS was called and with which the the alleged proof of vote purchase was recorded, belonged to associate of Vanja Čalović, Vuk Maras, to which MANS reacted, was presented in genre-hybrid of comments and news, therefore violating Principle 3. It was stated that these *"fabricated affairs" "pollute the public life Montenegro,"concluding that "this is the best proof that the coupling tabloid Vijesti and Dan and organization MANS, have an exclusively political role of direct participation in elections and helping certain political groups."*

PINK M: INFOMONTE, 10 May - In the introduction to to the statement of Zoran Jelic, who commented the affair of buying IDs , the comment has been published together, not apart from the fact, and stated that it was *"the last information on abuses of MANS", and that donor funds "are being abused under the disguise of alleged democracy. "*

PINK M: INFOMONTE, 13 May - At the beginning of the report about the invitation of DPS to the competent authorities to investigate media reports of alleged vote buying, the journalist assessed that *"for months Dan and MANS, created stories about alleged abuses,"* which is an obvious comment, thus violating the principle on 3 the separation of news from the comment.

PINK M: INFOMONTE, 14 May - The report on the reaction of DPS to the case of Argon Kaljaja represents a hybrid of information, party statements and comments that are not separated. Comments are presented as established facts, mostly in the part referring to the statements of members of MANS. *"Dejan Milovac, Nikola Markovic, Vuk Maras even Veselin Radulovic Gumar are panicaly tried to deny the obvious fact they record, falsely ascuse, mount and accuse DPS that and no one from the DPS has anything to do with any of these actors."*

PINK M: INFOMONTE, 15 May - The news of the postponement of the trial of former manager of CKB was published along with comments. *"The fact that both owners of Vijesti appeared at the trial today, although they are not participants in the process, confirms that the process will be under direct pressure"*the report states. The statement made by Željko Ivanović, one of the owners of *Vijesti*, was not quoted or published as a recorded statement, but was retold so as to include the information which is not part of the statement, according to what other media published.

PINK M: INFOMONTE, 24 May - A report stating that daily *Vijesti* violate election silence, information is presented along with a comment: *"everything is subordinated to the direct interference in the election process, discrediting the strongest party in Montenegroand the promotion of party leaders who have created the owners of this tabloid."*

TVCG: NEWS 2, 26 May - In a report announced as a review of the reaction of the opposition to the results of the local elections and the analysis of possible coalitions, the journalist presented personal opinions and comments, for which viewers could get the impression that these are established facts. Thus, it is stated that the *"wind in the sails was selflessly given to DF by SDP supported by Pozitivna, under the pretext that both Podgorica and Montenegro need changes"*, and Miodrag Lekic *"supported by a broad civil logistics did not manage to seize power."*

PINK M: INFOMONTE, 29 May - In the report in which transferred information from the daily Pobjeda about multiple signatures of party leaders on complaints submitted by MANS to the Election Commission, the guidelines for the principle 1 was violated according to which *"reviews and ratings must be based on facts,"* and *"comment should not to be presented so that it creates the impression that it is established fact."* In the genre combination of reports and comments following was stated: *"We also wanted to find out what are the arguments allocating this significant sum of taxpayers' money to an inobjective group of people, led by a controversial and problematic person."*

PINK M: INFOMONTE, 25 June - The comment was not presented separately from the news about another postponement of the trial of former managers of CKB, at the request of defense counsel. At the end of the report it was stated that *"these actions of Defence achieved the obstructions already mentioned to the media by the accused Ljumović and Tatar, as well as the owners of Vijesti Miodrag Perovic and Željko Ivanović."*

#### **4.4. Principle 4 of the Code**

*It is a duty of a journalist to complete incomplete and correct incorrect information, especially the one that can cause any harm and at the same time to make sure that the correction is pointed out in the adequate manner.*

##### **4.4.1. Violations of Principle 4 in print and online media**

MCSR MT recorded a total of six examples of violations of Principle 4 in print and online media in the period from 1 March to 1 July, in Dan and Vijesti.

MT MCC believes that the Vijesti and Dan violated the principle of no. 4 by not publishing responses on the same side as the published text to which the response refers (*"Suits the placement"*<sup>46</sup>). The guidelines related to obligation of the media to publish the reply stated that the reply must be published in the same place as the text. This obligation applies only to a correction and an apology. According to our estimation, the "Day" and Vijesti have acted ethically publishing the response.

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<sup>46</sup>"Due prominence" in this context means publication of the correction in the same space (in the case of print media) or within the same programme (in the case of broadcast media). (Codex of Journalists of Montenegro)

Principle 4 was violated 14 times according to findings of the MCSR MT.

HRA associates have not determined during the same period any violations of principle 4 in monitored print and online media. Examples of violations of this principle were not recorded in the continuation of the monitoring – from 1 June to 1 September 2014.

It is not easy to notice violations of this Principle of the Code just by looking at the contents of the newspaper, without insight into readers' complaints and their requirements for issuing a correction and response.

Based on review of reports of MCSR MT, it is not always possible to reliably estimate whether, in the case of complaints, all arguments pros and cons have been measured well, and whether any ethical violations were found. The reports of MCSR MT do not specify whether any opinion was requested from the media regarding the complaints and what their arguments regarding the controversial treatment.

In most cases, MCSR MT found that the media violated the principle of no. 4 due to improper placement of response, although, as noted previously, the guidelines of the Code require "due prominence" only when it comes to correction and apology. To illustrate, MCSR MT assessed that *Dan* has acted unethically because of the way it published the reaction of Petar Ivanovic, Minister of Agriculture and Rural Development, regarding accusations that the accused for money laundering and cocaine trafficking, Darko Saric paid for a plane ticket for Geneva (*Dan* 26 April 2014).

In case of publication of reaction minister Ivanovic, in our estimation, the correction in question is not the type of correction that is discussed in the guideline under d)<sup>47</sup>, because *Dan* did not find that it significantly distorted facts. It is, simply, the minister's response, in which he denies the allegations from article published in *Dan*.

In another case, MCSR MT is, in our opinion, correctly assessed when it found a violation of the principle of no. 4 when *Dan* did not publish response Zoran Vukcevic, the Acting Executive Director of the Investment and Development Fund, the article "Best loans given to companies close to the DPS." The text is, according to the report MCSR MT, illustrated with photographs etc. Vukcevic, although he was at the head of the Investment Fund at the time the alleged fraud occurred. The minimum obligation of the daily *Dan*, as correctly stated by MCSR MT, was to publish the information that Dr. Vukcevic took office in the Investment Fund after the alleged controversial actions that the text dealt with.

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<sup>47</sup> " Where a person or organization believes that a media report contains inaccurate information or has unfairly criticized the person or organization, the media institution concerned must give the person or organization a fair opportunity to reply, to correct any inaccuracies and to respond to the criticism. Media institution is expected to provide such right in the case of acceptance that the report in question had errors and unfounded allegations."

#### **4.4.2. Violations of Principle 4 in TV news programmes**

Neither MCSR MT nor HRA recorded violations of this Principle in TV news programmes in the period covered by the report.

#### **4.5. Principle 5 of the Code**

*One's race, religion, nationality, sexual orientation and family status will be mentioned by a journalist only if that is necessary for the information.*

##### **4.5.1. Violations of Principle 5 in print and online media**

MCSR MT recorded during the period from 1 March to 1 July, based on its own monitoring, six examples of violations of Principle 5 of the Code. In the same period, and all of six were found in the comments of the visitors to the texts published at *Portal Vijesti*. These are also the only examples of unethical practice that the MCSR MT recorder in relation to online media during this period.

HRA associates recorded 16 examples of violations of the above principle, and in continuation of monitoring – by 1 September – another 10, which makes a total number of 26.

HRA associates observed in the same period 16 instances of violation of the principle of no. 5, and in the continuation of monitoring - to 1 September - 10 more, which makes a total number of 26. The leading position belongs to portal "Cafe del Montenegro" with six examples followed by *Dnevne Novine* with five examples, daily *Vijesti* and "Portal Vijesti" with four examples, the portal "IN4S" with three examples and the portal "Analitika" and daily *Pobjeda* with one example.

According to our estimations, all comments disputable for MCSR MT contained strong and offensive language, but such language cannot be qualified as hate speech in the same way as defined by the Code.<sup>48</sup> Please read this comment to the text as an illustration: "Ćulafić: Na spisak glasača DPS-a stavio me sin Vuke Golubovića": "E kad se samo vratim u 2012-u kad potukosmo DPS ološ na lokalnim izborima u Nikšiću! Prvi grad u CG koji je ustao PROTIV MAFIJE!!! PRVI GRAD KOJI JE REKAO NE MILU DJUKANOVIĆU I BRANU MIĆUNOVIĆU !!! I PRVI GRAD KOJI JE MAFIJA RAZBILA NA PARAM PARČAD! PROKLETI DA STE IZRODI ŠTO SE PRODASTE! PROKLET BIO DRAGO DJUROVIĆ, PROKLETI BILI POZITIVNA I DF! OLOŠI PRODANA!"

In the most of the examples (14), which are noted HRA associates, the principle no. 5 was violated by specifying national origin of persons suspected of a crime, and highlighting this fact in the title, for which

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<sup>48</sup> „(a)Media institutions must not publish material that is intended or is likely to engender hostility or hatred towards persons on the grounds of their race, ethnic origins, nationality, gender, physical disabilities, religion or political affiliation. The same applies if it is highly probable that publication of a material may cause the above stated hostility and hatred

(b)Journalists must take utmost care to avoid contributing to the spread of ethnic hatred when reporting events and statements of this nature. It is journalist's duty to respect other states and nations."

there was no professional reason. On the contrary, such indications intentionally or unintentionally suggested to the public that being of this or that nationality matters for what this person is alleged to have done. In two cases, the title highlighted national affiliation of the victims of a traffic accident.

HRA associates recorded seven (undeleted) comments<sup>49</sup> to three text published on portals In4S and CdM, and one on portal Vijesti<sup>50</sup> which contained elements of hate speech.

#### **4.5.2. Violations of Principle 5 in TV news programmes**

During the period covered by this report, neither MCSR MT nor HRA recorded violations of Principle 5 in TV news programmes.

#### **4.6. Principle 6 of the Code**

*In order to collect information in any form, a journalist should use professionally honorable and legally allowed methods. Any violation of this rule is allowed only in cases when those methods are not sufficient, and information that is to be obtained of the great importance for the public.*

##### **4.6.1. Violations of Principle 6 in print and online media**

MCSR MT in the period covered by this report noted an example of violation of the principle of no. 6 of the Code based on its own monitoring in the daily Dan. According to their assessment this was done in the article "90 euros For the ID card, payment on the day of voting" published on 5 April.

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<sup>49</sup> „Kucke dukljanske, laju li laju. To jedino i mogu da rade, milogorci bolesni. /Pogledajte ovog \*\*dera sto nosi lancic sa srpskim orlovima i grbom Petrovica! Covjek je bijeda, slika i prilika dukljanskih gamadi i luzera. Nose srpske simbole a tita i papu u dusi! (Kao oni jadovi u Ukrajini sto ih nato cuska da ratuju protiv Rusa). Ovaj jad nije u stanju sebi da obrise zadnjicu a ne da cera Srbe iz Crne Gore. /Savremeni Crnogorci su ustaše u pokušaju/Šta drugo očekivati od pripadnika nacije koju je 45-te Milovan Đilas izmasturbirao u dnevnoj štampi a par mjeseci kasnije je se odrekao? Pokazuje se da je u pravu bio Nikodim Bogosavljević, bivši iguman manastira Dajbabe, kad je govorio o tom pasjem nakotu zvanom Crnogorci. Đavolja je to rabota.“ (In4S, 3.maj, „Fašizam: U Pokretu za ubijanje Srba i funkcioner DPS-a Mitar Radonjić, na meti i muslimani“)

“ovaj polutanac montenegrin (majka mu je bula ) kao svi dukljani zamjenjuje teze ljubav prema gradu i državi...” (In4S, 3. Maj, “And the Oscar goes to.....Бане Поповић”)

“Simovici su najgora cucka kuca. To ce vam potvrditi sve Cuce”. (In4S, 31.maj)

“Mozeee mozeeee kad je u Rvatskom izdanju... Najgenocidnija nacija na balkanu..., Hitlerovi konjusari i sluge...” (CdM, 4.jun, “U Jasenovcu posadili cvijeće u bojama šahovnice u obliku ustaškog simbola”)

“sve vas treba sad dok ste na okupu najedeni i napiveni fino za ruku i preko granice ..... dje god ocete samo sto dalje ste ovaj grad o jadu zabavili sa pljuvanjem djevojaka vatanjem za ..... skakanjem vriskom vasom imam psa kuci ne morate me jos vi pratit po gradu kad idem”;

“Položaj Roma će se popraviti kad prestanete VI ROMI da prodajete decu, da se ženite i množite međusobno i da lomite kosti deci kod su bebe da bi što bolje prošli u prošnju ! ” (CdM, 6.maj, “Romi u Podgorici proslavljaju Đurđevdan: Jedino danas imamo dobar ručak”)

“I sto je tu bruka, bolest je bolest i bez obzira koliko ovaj lobi ima para tu cinjenicu nece moc nikad da promijene?”;

“Vaš portal je bruka,što podržavate ove nakaze”;

“izučava se zajedno sa prostitucijom, promiskuitetom, pedofilijom, ili u poglavljima o poremećajima seksualnih nagona i hormona”;

“A gdje bi to trebalo da se izucava kad je potpuno isto? I sta ima tu da se izucava, bolesnici kao I pedofili I slicni. I sta je ako nije poremećaj seksualnog nagona, najbolje da uce djecu da je normalno biti gej, da ne kazem sta socnije. Bruka je sto se reaguje na to” (CdM, 31.maj, “Bruka: U srpskim udžbenicima LGBT osobe zajedno sa pedofilima i prostitutkama”)

“Treba potamaniti ovo tvrdokorno islamsko zlo koje nanosi štetu selom islamskom svetu.” (Potal Vijesti, 21. avgust, “Ubijene vođe vojnog krila Hamasa; Članice EU diskutuju o rezoluciji UN o primirju u Gazi”)

“Treba potamaniti ovo tvrdokorno islamsko zlo koje nanosi štetu selom islamskom svetu.” (Potal Vijesti, 21. avgust, “Ubijene vođe vojnog krila Hamasa; Članice EU diskutuju o rezoluciji UN o primirju u Gazi”)



MCSR MT has estimated that Dan did not use honorable methods in gathering information that suspected certain persons of political corruption. The thing is that the Dan in its online edition quoted recording and transcript of the conversation (transcript in the print edition) published on the website "prijavikorpciju.me," which was launched by the Network for Affirmation of NGO Sector (MANS). Dan, therefore, is not the author the aforementioned recording, regardless of whether it is disputable and to what extent, as stated by MCSR MT referring to writing "of Pobjeda MCSR MT criticized "Dan" for not distancing itself from information released by MANS, "nor took any distance from the NGO MANS, as regards the methods of collecting 'evidence of political corruption'," whose reports regularly, completely uncritically takes over, placing in the second plan the professional standards."

According to our estimation, MCSR MT in this case unilaterally interpreted the principle of no. 6 guidelines that explain it and that allow the use of dishonest methods to gather information, if honorable methods "are not sufficient, and information that should be obtained is extremely extremely important to the public."

(This example is among those that MCSR MT has not included in the report for the period from January 1 to May 1, 2014, prepared for the round table in cooperation with the Council of Europe).

HRA associates from 1 March to 1 July, have not recorded examples of violations of this principle, as well as during the continuation of the monitoring until 1 September.

#### **4.6.2. Violations of Principle 6 in TV news programmes**

Neither MCSR MT nor HRA monitors recorded violations of Principle 6 of the Code in TV news programmes.

### **4.7. Principle 7 of the Code**

*It is a right and duty of a journalist to protect confidential information sources, but also always to check motives of the confidential source before one is promised anonymity and protection.*

#### **4.7.1. Violations of Principle 7 in print and online media**

MCSR MT has recorded four examples of violations of the principle of no. 7 for a period of 1 March to 1 July - two in the daily Vijesti, and the same in the daily Dan.

According to the assessment MCSR MT, this principle was violated in research articles that have been incurred as a result of cooperation between the regional network of investigative journalists (Organized Crime and Corruption Reporting Project), IRPI (Investigative Reporting Project Italy) and MANS (The

Network for Affirmation nevldinog sector). These are the same two articles published in Dan and Vijesti under different titles, in which MCSR MT found also examples of violations of the principle of no. 3: Football, politics and cocaine (Vijesti, 7 April), property of Mogrena worth millions given to Šarić (Dan, 7 April), Đukanović family bank serviced Šarić (Vijesti, 8 April), Đukanović family bank serviced Šarić (Dan, April 8).

MCSR MT believes that Dan and Vijesti violated the principle of no. 7, but is not explained by such an opinion, except by quoting text principles.

The only thing in its report that refers to the logic of evaluating MCSR MT is that they have noted "an unusually high level of confidence during the information provided newsrooms with the above mentioned address, where the word of a regional network of investigative journalists (Organized Crime and Corruption Reporting Project). MCSR MT, at our discretion, during the the form of a twist trying to say to Dan and Vijesti have not verify the motives of a confidential source before him promised anonymity and protection, as discussed in principle no. 7 Since one can only speculate as to whether, in this case, the journalists and the media in checking the motives of confidential sources, then guessing has not a good basis for finding that a violation of the Code.

(Articles in question were also not included in the report prepared for the round table that MCSR organized in cooperation with the Council of Europe. This report, we recall, covers the period from January 1 to May 1, 2014.)

In the same period, HRA associates have not observed a single instance of violation of this principle in the monitored media.

#### **4.7.2. Violations of Principle 7 in TV programmes**

Neither MCSR MT nor HRA monitors recorded violations of Principle 7 of the Code in TV news programmes.

### **4.8. Principle 8 of the Code**

*A journalist is obliged to be very careful when dealing with private life of people. A right to private life is disproportional to the importance of a public function that an individual performs, but in those cases, it is necessary to respect human dignity as well.*

#### **4.8.1. Violations of Principle 8 in print and online media**

MCSR MT has based on self-monitoring, from March 1 to July 1, 2014, recorded four examples of violations of principle 8.

Two examples are noted in "Informer" CG (HRA associates, we remind, have not monitored this media), and one each in Vijesti and Dan.

In the same period, HRA associates have found 24 examples of violations of the above principles and in the continuation of monitoring - until September 1, a total of 69 examples. Among these examples, there is none of the Dan and Vijesti that observed MCSR MT, because, according to our estimates, they do not contain violations on principle 8.

In the case of the text with superscript "MANS filed criminal charges against 306 people of Berane due to irregularities in the local elections and the title " anyone who sold votes should be brought before the Court ", published in the edition of "Dana of March 12, it is true that the list of suspects released with political corruption, but are listed dimmed their mobile phone numbers. You have not published addresses of suspected people, as erroneously stated MCSR MT and on that basis they concluded that no violation of the principle 8.

According to our estimation, there is no question of violation of the principle of no. 8 in the article published in the daily Vijesti on May 13th titled Vujanovići sold part of the heritage." MCSR MT estimated that the Vijestipovrijedileprivatnost family Montenegrin President Filip Vujanovic, because objavileinformaciju that Vujanovic sold part of their property. MCSR MT concluded that this information is of public interest, overlooking the fact that this information, it is in the public interest, announced the president's wife, to show that the family of the president of the state made no secret of their income.

Of the total number of recorded examples (69) violation of the principle of no. 8 from March 1 to September 1 HRA associates are 16 examples found in the "daily, the 15 diaries in the Vijesti and Dan, eight on the "Portal Vijesti, five Win, four at the "Cafe del Montenegro "three in the daily *Blic*, published in Montenegro, two at the " Analitika and an example of the portal IN4S.

The largest number (53) of examples of violations of principle 8 relates to the disclosure of the identity of persons who were violently taken life (murder, suicide, death) or suffered either serious or light injuries in different circumstances<sup>51</sup>.

The guideline under d) the principle of 8 states that "of the victims of of accidents or crimes are entitled to special protection of their names," and notes that "it is not always the rule to identify a victim in order for the public to better understand the accident crime," and that "the exceptions (a) can tolerated if the person is a public figure or in the case of special circumstances. "None of the cases that were recorded by HRA associates, as this is not about public figures, nor are there any special circumstances justifying revealing the of a killed or injured person.

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<sup>51</sup> Associates have during the last monitoring paid special attention to disregard of the guidelines in the media, given the fact that it was brought to attention during the discussion after the public presentation of the third report of HRA, when purpose of the mentioned guidelines was questioned.

An interesting example was observed by HRA associates in one case where the victim's identity remained unknown, but the discovery of certain data could have caused anxiety of all those to whom these data pointed to the identity of a person they knew or a person close to them. "Portal Vijesti" on July 5 published the news of the title "Podgorica: The accident killed one person", and the news were the initials of the dead girl, the information that she was born in Serbia guessing where she might come from.

From other examples of violations of the principle of no. 8, we would like to highlight for analysis a few specific from the media in which they are registered.

Daily Vijesti published on 2 March an article titled "Divorce will cost Mićunović four million", which talks about divorce of a controversial businessman Branislav Mićunovića and communicates details about the division of property in divorce agreement. The same daily has been publishing since June 10 articles titled "Damir Mandić got married," which tells the story of the marriage of a person convicted for complicity in the murder of the director and the main channel *urednika* daily *Dan*, Duško Jovanović. The news of the marriage Mandić in prison was announced on the same day by *Dnevne novine* with a title „Mandić got married, Bigović the godfather ". *Dnevne novine* were dealing in its 22 August issue with the private life of a person suspected of criminal actions. With a title "Duško Šarić gets married", this daily reported on the private life of a suspected person as of a celebrity.

In our opinion, in all above mentioned examples, the journalists violated two guidelines<sup>52</sup> for principle 8 because they interfered with the person's privacy, reporting on the private lives of people without their permission, without existence of the circumstances in which the public had a right to know, for example, who gets married or who divorces.

Daily *Dan* has in its 10 March edition published a special supplement, which contained a list of the names and surnames of persons to whom DPS allegedly distributed the money on the day of local elections in Berane. Telephone numbers of persons on the list, as well as partially dimmed, but completely clear unique identification numbers were published. On the same day, *Dnevne novine* published an article "DPS accused of buying votes," and published a facsimile of a list of names and surnames of people whose voices were allegedly bought by the Democratic Party of Socialists during elections in Berane. Along with the names, phone numbers of these persons were published. Portal "IN4S" published on 22 May, a text titled "Exclusive: records of DPS seized in Konik," and published facsimiles of lists in which the names, identification numbers and private addresses, as well as phone numbers of a large number of people.

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<sup>52</sup> "(a) The journalist should not intrude into and report on a person's private life without his or her consent. The public's right to information must always be weighed against the personal rights of those involved".

"(b) Reporting on a person's private life can be justified when it is in the public interest to do so. This would include: detecting or exposing criminal conduct; detecting or exposing seriously anti-social conduct; protecting public health and safety; corruption, etc. Reporting on a person's private life is also justified if it prevents the public from being misled by some statement or action of that individual such as where a person is doing something in private which he or she is publicly condemning."

In none of these examples, regardless of reasonable doubt that a particular person did something that is contrary to the law, the media did not have the right to make public their private information. Guidelines for Principle 8 however, explicitly state only that "the private addresses of the people shall enjoy special protection," but the Guidelines do not mention the unique identification numbers and private phone numbers. There is no doubt, however, that these data belong to the sphere of the best guarded privacy.

Daily *Blic*, Montenegrin edition, violated the principle 8 in an article published on 5 July, titled "Killed his unmarried wife with five bullets to the chest ", by publishing the names of the children from the first marriage of the person killed. In one of the guidelines for this principle is that "when it comes to family members and other people who are indirectly affected by the disaster and who do not have anything to do with a crime, one must be extremely cautious when publishing their names and pictures." *Blic* did not act with caution, as suggested by this Guideline.

In a report on death of three nurses from Podgorica in a car accident, *Blic* - Montenegrin edition in the penultimate paragraph presents to the public details of private life of the victims that are completely irrelevant to the story. The journalist said that one of the dead women was married, the other engaged, and the third one divorced. The media, reporting about this accident satisfied the curiosity of the public, but to some extent this could be justified by the circumstances, but, in our opinion, *Blic - Montenegrin edition*, made an ethical violation by interfering with the privacy which has nothing to do with the accident and the interest of the public to be informed about it.

Daily *Pobjeda* in its 23 May release quoted from Belgrade "E-paper" a text of writer Mark Vešovića under the heading "How Miodrag Lekic defends Meda zemunac" and the title "scumbags from Draža's front". The author repeatedly attack personalities rather than their actions, and so, in our opinion, does not respect "necessary human dignity" as suggested in principle no. 8 (In this article, as we mentioned earlier in the report, principle of no. 1 of the Code was violated as well).

#### **4.8.2. Violations of Principle 8 in TV news programmes**

In its reports, the MCSR MT did not list any violations of Principle 8 in TV programmes.

HRA has recorded 23 examples. The leading is television Vijesti with 16 examples of violations of this principle, followed by TVCG with three examples, "Atlas" with two, and "Pink M" and "Prva" with one example.

Almost all of the examples (22) relating to the disclosure of the identity of victims of road traffic and other accidents, although neither of the recorded cases the victims were not public figures, and there

was no word on the specific circumstances, which, under the Code, justify the publication of the names of those killed and injured .<sup>53</sup>

In one of these cases of disclosure of names and surnames of the victims, details of private life were unnecessarily published, without helping viewers to better understand the circumstances of the accident.

TV CG: NEWS 2, 28 March In the report of the death of a man in a fire that broke out in the house, it is stated that the person lived alone, but also "*never worked anywhere and survived with the help of social assistance.*"

Except in cases of revealing the identity of the victims, there was one example of uncritical transfer of claims about the healing properties of herbal teas.

TV VIJESTI: NEWS AT HALF PAST SIX, 10 May - The report of the Days of Natural Medicine was transferred claim saleswoman: "I would mention birch water ... it is highly effective for the treatment of diseases of the kidneys, when it comes to stones, gallstones, and so on." Guidelines for Principle 8 state that "a journalist must express a special dose of reasonable doubt and restraint when reporting on the activities of self-styled healer."

#### **4.9. Principle 9 of the Code**

*A journalist is obliged to protect integrity of adolescent persons, different and disabled persons.*

##### **4.9.1. Violations of Principle 9 in print and online media**

MCSR MT has not, based on self-monitoring, or deciding on appeals, recorded examples of violation of principle no. 9 in print and online media in the period from 1 March to 1 July.

In the same period, HRA associates have found two examples of violations of this principle in dailies *Dan* and *Dnevne novine*. In our further monitoring until 1 September we have recorded one example in the daily newspaper *Blic* – Montenegrin edition.

On 14 June daily *Dan* published an article under the headline "Court committed Slavko Ceković to pay support for two minors, although it is proved that he is not their biological father," and the title "I pay child support for someone else's children." The text is a confession of a person who claims to be a victim

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<sup>53</sup>TV Vijesti; 3, 6 and 28 March, 7 and 14 May; 6, 25, 27 and 29 June; 2, 5. and 12. July; 13, 25. and 31 August  
TVCG: 28 March; 27 April; 2 May  
TV "Atlas": 8 May and 25 July  
TV "Prva": 29 June  
TV "Pink M": 15 August

of his ex-wife and unjust court decisions. The text does not use any other primary or secondary sources. As the full name of the person was stated, the identity of the minors who allegedly were not his children was indirectly revealed.

The UNICEF Guidelines for reporting on children, among other things, stated: "Do not further characterize any child. Avoid classifying or describing which may subject it to penalties - including additional physical or psychological harm, or ongoing abuse, segregation or rejection by the community in which it lives." In this manner of reporting of *Dan* two children have been marked.

Part of the previous argument can be applied in the case of the examples of *Dnevne novine*. In the 23 June issue, an article entitled "Action beggar begins", illustrated by a photograph which shows a Roma girl. Her back is turned, but her two minor children, one of which she holds in her arms and the other stands behind her, are facing her. Below the photos there is no legend and one can only assume, given the context, the woman begs. In this case, media acted contrary to UNICEF Guidelines for reporting on children.

A third example of violation of principle 9 can be found in *Blic – Montenegrin issue*. This journal published in its 10 July issue an article under the headline "Stray Dog mutilated five-year-old in the center of Berane" and the title "The girl was rescued from the jaws of the dog by passers-by." The story is illustrated by a photograph of a hurt girl in arms of a man, who was not identified in the legend, and can be suggested that this was her father. The girl has a bandage on her head there were visible injuries on her mouth. The legend says: "It is not clear whether the girl's vision was damaged."

It was not necessary to publish a photograph of the injured child and additionally traumatize it in order to illustrate this dramatic story. No consideration suggested by guidelines for the principle of no. 9 of the Code was expressed: "The media are obliged to exercise special consideration when interviewing, photographing or filming minors." Photo of the injured child, who may remain invalid, it is not a good way to draw attention to the seriousness of the problem.

#### **4.9.2. Violations of Principle 9 in TV programmes**

During the period covered by this report, HRA and MCSR MT did not observe any violations of this principle.

#### **4.10. Principle 10 of the Code**

*When reporting on investigation and court procedures, a journalist has to respect the assumption that everyone is innocent until is proved differently and should by no means preadjudicate the outcome of a court procedure.*

#### **4.10.1. Violations of Principle 10 in print and online media**

For the period from 1 March to 1 July, on the basis of self-monitoring, MCSR MT found 12 examples of violations of principle 10.

MCSR MT discovered another example of violation of this principle while dealing with an appeal to the article published in daily *Dan*, in which six examples were observed by monitoring. Two examples were noted in the dailies *Vijesti*, *Dnevne novine* and *Informer* – Montenegrin edition.

Out of the total number of examples that were recorded by HRA associates, 134 were found in the daily *Dan*, 93 in *Dnevne novine*, 83 in the *Vijesti*, 42 in *Pobjeda*, 26 in the daily *Blic* – Montenegrin edition, 12 on portal "Cafe del Montenegro", five at the "Analitika", four of the portals "Vijesti" and "TVCG", and two at "IN4S".

Since monitoring indicates that no media not entirely immune to this kind of ethical violations, its frequent appearance in the media may be partly a consequence of the frequent publication of news and stories related to crime. Of course, this does not make them less responsible.

In 314 examples of violation of principle 10, i.e. presumption of innocence, the title of the news, or the text is formulated so as to someone's guilt is presented as an established fact, although later in the text, in the largest number of cases, it is completely ethically explained that it was only a suspicion etc. Among these examples there is one, the only one HRA associates and MCSR MT agree on, referring to an article published in the *Dan* on 16 April, titled "Cocaine money laundered through the First Bank." It is an article the public is informed that the non-governmental organisation MANS filed a criminal complaint, on suspicion of money laundering through the First Bank, against Darko Šarić and Stanko Subotić, which is based on data obtained by the Regional Network of Investigative Journalists (OCCRP).

HRA associates found, although in a much lesser number, examples of violations of the presumption of innocence not only in the title, but also in the first paragraph of the news, or text. HRA associates found 34 such examples.

In other cases, the principle 10, presumption of innocence, was violated in the superscript, subtitles, text, or in some combination of these elements. There is an interesting example<sup>54</sup> on portal "Analitika", where the violation of the presumption of innocence was avoided until the last paragraph, but eventually happened at the end of the text.

HRA associates found a typical example of violation of principle 10, the presumption of innocence, in the daily *Pobjeda* in an interview published in the 27 May issue. The reporter interviewed Jasenka Perović, president of the Association of families of deported citizens of BiH in 1992 from Montenegro (Title:

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<sup>54</sup> "Laković shot Stanišić on 30 June, allegedly in order to revenge for the beating he received from him a few days earlier in Zabjelo. The beating was not reported to the police. (last paragraph under the heading "'Zagoričani' questioned about the bombing of the house of Laković", published on 30 July 2014)



"Independent 'media use victims for media arguing"), and asked her, among others things, this comment question: "the so-called 'independent' media in Montenegro (*Vijesti* and *Monitor*) declared direct participant in the crime, it can be said executors, Slobodan Pejovic a hero..." This wording of the question of a journalist violates the presumption of innocence, stating the claim of someone's guilt as if it was proven.

The following example, which is not the only, is interesting because it points to the problem of inappropriate use of images that illustrate the news from the so-called "Black chronicles". The daily *Vijesti* published on 11 March an article under the headline "New charges against two minors," and the title "Boys from Bar stole a TV and a car." The news was illustrated by a photograph of two minors who have masks on their heads, to one of them the eyes and chin are clearly visible. There is no legend under the photo, which gives readers the opportunity to understand that the minors mentioned in the news are the minors on the photo.

If the image is a mere illustration that has nothing to do with the two juvenile suspects, which probably is the case, then principle 1, which refers to accuracy was violated.

#### **4.10.2. Violations of Principle 10 in TV news programmes**

MCSR MT did not find violations of the principle 10 in television programs. The main news programs of five televisions that HRA associates monitored 17 examples of violations of this principle were found.

10 examples were recorded in television program "PINK", four in the program in TV "Vijesti", two in TVCG, and one in the television program "Atlas".

Although most examples of the violation of the presumption of innocence, when the media present as guilty a suspect or accused of a crime, we have found an example of violation of the obligation to publish information on the termination of the investigation, withdrawal or restriction of the charges or the reduction and abolition of the judgment. Television "Pink M" published earlier this year several articles in which it violated the Code, and in the director of the Center for Civic Education, Daliborka Uljarević had been accused. However, they did not publish that the Prosecutor's Office, following an investigation, dismissed the charges against her.

Interesting is the case of recording the execution of American journalist James Foley as the editorial board did not recognize the need to protect the dignity of the victims, nor the danger of publishing posts perpetrators of this crime to become an instrument in the hands of criminals.

PINK: INFOMONTE, 31 March - In a report on the expected start of the trial of former managers of CKB there were charges that were presented as fact. It was stated that, inter alia "During this period, Tatar and Ljumović approved millions of loans to the members of their families with which they were buying shares of CKB but loans were later prescribed to the the Bank account, " and thus violating the presumption of innocence.

TV VIJESTI: NEWS AT HALF SEVEN, 18 March - In a report on arrest of Darko Šarić, the presumption of innocence was violated by the fact that with his name was mentioned as "runaway narco boss."

PINK: INFOMONTE, 18 March - Darko Šarić, who was arrested on charges that he was involved in smuggling drugs, was repeatedly referred to as "narco boss" in the report on the arrest.

PINK: INFOMONTE, 19 March – In the ahe announcement of the interview with the Minister Duško Marković, as well as in three more questions during the interview, both the host and the reporter say "narco-boss" together with the name of Darko Šarić, even though the trial has just started and the allegations have not been proven.

TV VIJESTI: NEWS, 24 March – In the report on trial to Darko Šarić, he is reffered to as "suspected narco boss from Pljevlja", which still violates the presumption of innocence as the linguistic construction does not point out clearly enough what the journalist meant to say, that Šarić was a man from Pljevlja accused of being a narco boss.

PINK: INFOMONTE, 28 March - In the introduction to the report on the arrest of suspects in the attack on the journalist Dan and Lydia Nikčević principle 10 was violated in the statement, "The ordering party and financier of beating is the owner of Narcissus."

PINK: INFOMONTE, 1 April - The presumption of innocence has been repeatedly violated in the article about the investigation into the operations of daily *Vijesti*, which, among other things claims that "the owners gained millions through illegal activities", and persons accused in the case CKB are mentioned as well, stating "it turned out that none of the shares of ownership of banks, savings not purchased any of the family members of the Tatar, Perovic, Ljumović, Popovic," although this is not a established fact.

PINK: INFOMONTE, 2 April - The alleged illegal actions of the owner of *Vijesti* were presented as indisputable, without indicating that these were suspicions or allegations of a third party.

PINK: INFOMONTE, 10 April – Guidelines on reporting state that "criticism and comment on the specific case must be clearly distinguished from reporting on court proceedings." This was violated in a report notifying the public about the investigation of the operations of daily *Vijesti* claiming that the Supreme State Prosecutor's Office "answers all the questions of the journalists of *Vijesti* and *Dan* and opens investigations based on every text and fictional affair of the media."

PINK: INFOMONTE, 16 April – In a report on the case of CKB bank, i.e. the decision that the accused can defend from freedom, the principle 10 was violated by ae statement that "the indictment in the case of CKB does not cover all actors of the fraud, including the daughter of Ljumović, Aleksandra Popovic".

PINK: INFOMONTE, 24 June – The journalist feffer to Dragoslav Kosmajac, whom the Prime Minister of Serbia called one of the biggest drug dealers in the Balkans, but who was not convicted for such acts, or even charged, just like that - the greatest drug dealer in the Balkans.

TV VIJESTI: NEWS AT HALF PAST SEVEN, 4 July - Although the announcement correctly stated that the police arrested a suspect for murder, the first sentence of the report explicitly states that the suspect is guilty. "With five shots at close range Branko Djurovic, a citizen of Nikšić, killed Tanya Šekarić, the woman with whom he lived in recent years."

PINK: INFOMONTE, 28 July – The information of the Center for Civic Education, which was published by other media tht were reporting from the press conference, that they were informed by the Basic State Prosecutor's Office that the anonymous criminal charges against this NGO were dismissed, was not published thereby violating the principle 10. In fact, it is specifically stated that the media should continuously report on acriminal case, and that "this applies to cases of dropping of the investigation."

TVCG: NEWS 2, 5 August - The presumption of innocence was violated in the title of "leader of Delija arrested for racketeering," which appeared on the screen, although the report correctly stated that they were arrested on suspicion of being engaged in racketeering.

TVCG: NEWS 2, 20 August - The news that the Islamic radicals in Iraq executed American journalist James Foley was released showing the victim kneeling beside masked person with a knife in his hand. Although the act of execution was not published, by publishing this video, the guidelines on reporting on violence to the detriment of the victims and people close to him were violated. In addition, the publication of a statement that the victim pronounced, pressure and apparent stress, and post-masked executioner, which threatened with further violence, the media falls into the trap and becomes the instrument of criminals, spreading a message of fear and terror.

TV ATLAS: FORUM, 20 August - the same violation of principle 10 was recorded in this program. It is interesting that the recording was released, although it was noted that authenticity has not been verified.

TV VIJESTI: NEWS half-past six, 20 August – A recording of the last moments of American journalists was published in this programme as well but it was much shorter and did not contain disturbing messages of then victim. However, a masked person with a knife is clearly visible.

#### **4.11. Principle 11 of the Code**

*A journalist should not accept privileges of any kind that could limit or bring into suspicion his autonomy and impartiality, and affect freedom of a publisher and editorial board to make decisions.*

#### **4.11.1. Violations of Principle 11 in print and online media**

MCSR MT in the period from March 1 to July 1, found no example of violation of principle 11 in the print and online media.

In the same period, HRA associates found 19 examples of violations of this principle in six of print and online media, and in the continued monitoring - to 1 September - another three. Most examples were found in the *Dnevne novine* - eight, five examples noted in the daily *Dan*, three on portals "Vijesti" and "Cafe del Montenegro", and one in the daily *Pobjeda* and at the "portal "Analitika".

Principle no. 11 was violated in the recorded examples due to disrespect of the guidelines which alerts that stories and articles "related to the company, their products, services or events related to the companies must not exceed the limit of hidden advertising"<sup>55</sup>. This limit was mostly crossed by adding to the useful information content marketing and advertising through direct or indirect quotation of persons responsible for public relations and other company representatives.

An illustrative example of this is the text from the "Dnevne novine from 19 April, titled "The eggs will not become more expensive." Notice of the discounted price of eggs in this story, was spiced with a self-advertising sentence: "This was caused by the expected increase of demand for eggs, to which 'Roda', in line with the slogan of good characters for trade, act as a true friend of households, allowing them substantial savings ".

The line which separates journalism from advertisement was crossed in a similar way in a report titled "Drugstore "Dama" opened in Nikšić" published in the "Portal Vijesti" on May 3. This boundary was crossed with a quote from the speech of the director of marketing: "When we established "'Dama'", we paid special attention to only one thing - that our dear customers create a place where they will find everything they need care, beauty and health. And we did it. We made a place to purchase turns into a pleasure. "

On 28 May and 2 June, a rubric was released with a heading "coffee talk", and the text, in addition to photographs of the interviewee, illustrated with a logo, "House of coffee and tea," which suggests that this text is sponsored. Information on sponsorship, however, were nowhere to be found, so this is a commercial, that was "smuggled" within journalistic form and content.

On July 2, an article entitled "Concerns stop payments non-stop" was published in the daily *Dan* in which, in addition to service information, a clearly commercially intoned messages was placed: "New Service" electronic banks Zona 24 hours intended to all natural and legal persons, HB clients, and provides a safe, comfortable and prompt payment of funds to the account ... ".

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<sup>55</sup> "The credibility of the media as a source of information calls for particular care in dealing with PR material and in producing editorial supplements. Editorial stories that refer to companies, their products, services or events must not overstep the boundary to hidden advertising. This risk is especially great if a story goes beyond justified public interest or the audience's interest in information. This also applies to unedited advertising texts, photographs and illustrations."

In an article entitled "Meet Montenegro from Porto Montenegro", published on portal "Analitika" on 3 May, a quote was published that more of a commercial kind than in spirit of journalism: "Discover Montenegro from the air, sea and land - the magical panoramic views from the hinterland of the Bay of Kotor and explore mountain ranges in the north of Montenegro. "

#### **4.11.2. Violations of Principle 11 in TV news programmes**

MCSR MT in its report observed no violations of principle 11 in television programs.

In their monitoring HRA associates have recorded 28 examples<sup>56</sup> of violations, which represents a significant increase in relation to our previous two reports when 19<sup>57</sup>, i.e. six<sup>58</sup> examples were found.

This growth, which is particularly evident in relation to the period from September to March, is partly due to the fact that during the late spring and summer economic activities in the country were significantly increased due to tourism.

This increases the amount of information that the company place on their products and services, and the media generally uncritically transfer and thus erase the distinction between editorial content and advertising.

Sometimes these are standard hidden commercials like for example in the case of reports (TV Vijesti and TVCG) of a mobile technology congress in Barcelona, which was held on 2 March, during which the operator was advertised, and which most probably sponsored the trip of the TV crew to the Congress.

Very often, however, open advertisements are published as part of the news programs. One of the most obvious examples of this practice is a report of television "Prva" (11 May) on the agency for child care in which the services that the agency provides were specified, as well as how to get in touch. An equally obvious example was found in a TVCG report which was broadcasted on 19 July, which was entirely devoted to a small hotel on the coast, providing data and instructions on how to find the hotel.

A large number of recorded violations in the summer period refers to just the stories of successful hotels and new tourism services and eco-villages, which are converted to advertising, with the usual news and propaganda reports on banks and telecom operators.

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<sup>56</sup>TVCG: 2 March, 9 and 19. July, 17 i 21 August

TV VIJESTI: 2 March, 8 May (two violations), 18. June, 9. July and 25 August

PINK M: 2, 8, and 22 May, 3 June, 1 and 19. July, 21 and 22 August

PRVA: 2 and 11 May, 17 and 28 June, 9. and 30 July, 21 and 31 August

<sup>57</sup>**MONITORING OF JOURNALISTIC SELF-REGULATORY BODIES IN MONTENEGRO, SECOND REPORT,**  
(March 2013 – October 2013)

<sup>58</sup>**MONITORING OF JOURNALISTIC SELF-REGULATORY BODIES IN MONTENEGRO, THIRD REPORT,**  
(1 October 2013 – 1 March 2014)

#### **4.12. Principle 12 of the Code**

*It is a duty of a journalist to maintain solidarity in relation with his colleagues in the extent that would not prevent him to properly perform professional task, or to make him violate basic principles of the journalist codex.*

##### **4.12.1 Violations of Principle 12 in print and online media**

MCSR MT did not record any example of violation of principle no. 12 in any print and online media from March 1st to July 1st.

At the same time, HRA associates noted 151 example of violation of the aforementioned principles, and in the continuation of monitoring, which lasted until the 1st of September, more than a hundred, so that for five months the number of instances reached 262. In these examples we have not included those concerning sport photos in newspapers, as well as photos in the weekly "Monitor".

During the monitoring period HRA associates have for the first time paid attention to the fact that numerous photographs taken during sports events across the globe (especially during the World Football Championship in Brazil) do not cite sources, based on which, of course, we can not claim that these photos were not taken by photographs of the editorial board (which can be suggested if the photo is unsigned), but we have no reason to doubt that this could be a case of plagiarism that intends to remain hidden.

In the a/m number of examples of violations of the principle of 12 we have not included any photos published during monitored five months of weekly "Monitor" and their authors are unknown, also because we can not claim that this is plagiarism. As in the case of sports photography, we have reason to suspect that in some cases it is plagiarism, to which we drew attention in our previous report. Note that the "Monitor" in the last five months has not stated the source for none of the published photographs.

According to estimates of experts HRA associates who monitored online media, there are plenty of articles and photos from the field of entertainment and related fields whose original authorship is very difficult to establish, and which "circulate" in the print and online media in the region, including Montenegro.

According to assessments of HRA associates and subsequent comparative analysis of the contents, plagiarism can be determined in 149 examples of articles and accompanying photos published in the *Dnevne novine* in the period from 1 March and 1 September 2014. HRA associates have reported 45 such examples in daily *Blic* – Montenegrin edition, 32 examples of the daily *Vijesti*, 18 examples in the daily *Pobjeda*, four examples on portals *Vijesti*, *TVCG* and *"IN4S"* three examples at the "Cafe del Montenegro", two examples of the *Potal* "Analitika" and one in the daily *Dan*.

For example, *Dnevne novine* published an article on June 11, illustrated with a photograph of the Chinaman who invented the suitcase that can be used as a vehicle, without citing any source, and this story was previously published by *The Telegraph* and several other foreign online media.

In most cases, these local media taken over from regional and international media, finished text or text and photographs, without citing sources, or making more or less creative compilation of borrowed material. The largest number of such texts is not signed, but there are plagiarized texts signed with initials, and full last names of journalists, as well as examples of the plagiarized text signed his full name of journalists. HRA associates have found 40 such texts.

An illustrative example from the daily *Blic* – Montenegrin edition, 10 April edition, when a report on crime in an American school was published, titled "Entered the school and slaughtered children." The text is signed with his full name journalist of *Blic*, and a photograph of the scene was published, but it is clear that the reporter of this newspaper was not on the spot, but he was using someone else's information.

In a plagiarized article published in *Dnevne novine* on 22 July ("A widow of a smoker receives 23.6 billion indemnity") it was written, for example: "Lawyers of a tobacco company that produces cigarettes Camel, Cool, Winston and Pal Mal were not available for any comments", where the reader is left to believe that someone from the editorial board in Podgorica called the lawyers of the mentioned companies.

#### **4.12.2 Violations of Principle 12 in TV news programmes**

Neither MCSR MT nor HRA recorded violations of principle 12 in TV news programmes.

## CONCLUSIONS AND RECOMMENDATIONS OF THE REPORT

### Cooperation among self-regulatory bodies

The Media Council for Self-Regulation's Monitoring Team (MCSR MT) forwarded only one of the complaints concerning media outlets that are not members of the MCSR and have their own Ombudsmen, to the Ombudsman of that particular media. In all other instances MCSR MT considered such complaints and decided upon them, sometimes also in the second instance (following the decision of the Ombudsman). **When addressed with a complaint directed against a media having its own self-regulatory body, MCSR MT should declare itself not competent and advise the complainant to address the self-regulatory body (Ombudsman) of the media to which the complaint refers, and its role should end there. We recall the recommendation from our previous report that in case of discrepancies in the application of the Code, i.e. different interpretations of basic principles and associated guidelines, self-regulatory bodies should initiate a joint debate with the aim of consistent interpretation of the Code and promotion of the respect for professional standards and human rights by the media.**

### The procedure by which self-regulatory bodies act

The Media Self-Regulatory Council (MCSR) has not fulfilled its promise made 18 months ago, to adopt a rulebook that would precisely define dispute settlement procedures. **It is about time the MCSR adopted the promised rules on dispute settlement procedures, as the quality of the MCSR Monitoring team's work and the public opinion of it depends on it.**

The MCSR does not use its webpage to inform the public of its activities, nor does it conduct campaigns promoting importance of self-regulation and the MCSR itself. **The webpage of MCSR should contain information on all activities of the organisation and its Monitoring team, official press releases and statements made by representatives of this self-regulatory body, including interviews for media.**

Since the beginning of the project, i.e. over the past two years, the MCSR MT persisted on seeking statements about the complaints' allegations only from media outlets that are its members, in breach of its Statute requiring statements from every media to which a complaint pertains. **The MCSR MT should observe the MCSR Statute and apply equal criteria for all media outlets when deciding on complaints concerning them.**

Even though the Statute of MCSR prescribes that its Monitoring team should consist of the MCSR Executive Secretary and three media experts selected by the Management board for the period of four years, the third member of the team has never been appointed. Considering that MCSR MT continuously decides in incomplete composition and that there is no Rulebook on its work, the legitimacy of its decisions made so far may be brought into question. **The MCSR should complete its team as prescribed by its Statute, or adapt the Statute to the current reality. This applies to the members of the**



**Monitoring team as well, since it is not advisable that they are called media experts in the Statute, but in reality they are journalists/editors working in media outlets, which are members of the MCSR.**

In addition to the fact that it only sporadically monitored broadcasting media (radio and television), the MCSR MT has lately also stopped monitoring online media. This means that MT reduced its monitoring function, prescribed by its Statute, to the print media only, of which only some media are members of that self-regulatory body. **The MCSR should critically examine the way in which it exercised its monitoring, adapt its Statute to its actual possibilities, and reduce the scope of its monitoring to the media outlets who are its members.**

Examples presented in this report show that self-regulators often disagree over the interpretation of the Guidelines for Principle no. 4, concerning the right to correction and reply, which may be due to imprecision of the guidelines, as well as to the inconsistency of these guidelines with the provisions of the Media Law that are more precise. **During the announced work on amendments to the Code, guidelines for the Principle no. 4 referring to the use of the right to correction and reply should be aligned with the provisions of the Media Law.**

The Self-Regulatory Local Press Council (SRLPC) has not yet adopted an act regulating the work of its Court of Honour, the body envisaged by the Statute, and the procedure for filing complaints and acting upon them. The existence of such a document could encourage potential complainants. **It is necessary that SRLPC adopt a document regulating the work of Court of Honour and the procedure for filing complaints and acting upon them.**

The TV *Vijesti* has not informed the public that their Ombudswoman ceased to operate. No information has been published on whether any complaints were received in the meantime and what happened with them, nor what will happen with possible complaints in this new situation. **TV *Vijesti* should appoint another person as Ombudsman/Ombudswoman as soon as possible if they want to continue with self-regulation. If, for some reason, this is not possible in the short term, TV *Vijesti* should inform their viewers about it.**

The Ombudswoman of daily *Vijesti* insists on the mediating and not adjudicative aspect of her role, doing her best to reach an agreement between the complainant and the media in order to achieve that the correction and reply is published, which is, as we believe, in the spirit of self-regulation and developing a relationship of trust between the media outlet and the citizens. Of course, the publication of corrections and responses do not have equal strength in the case of violations of all principles of the Code (unethical intrusion into someone's private life, for example), and cannot be used always as the first remedy followed by an assessment of the Ombudsman. **In order to define precisely this mediating role of its Ombudswoman, it would be necessary to define more precisely the duties of the *Vijesti* editorial board in the Rulebook, as well as to emphasize the obligation of the complainants that, whenever possible, they should first try to exercise their right of correction and reply as guaranteed by the Code and the Media Law, as well as mediating services of the Ombudswoman, and only ultimately require her to adjudicate.**

The Daily *Vijesti's* Ombudsman still fails to specify at all times which basic principle of the Code has been violated and in what manner, as well as to consistently follow terminology used in the Code. **When determining violations of professional ethics, it is desirable to always stipulate which principle and guideline of the Code has been breached, and in what manner. Consistent adherence to terminology used in the Code is also desirable.**

The Ombudsman of daily *Dan* suggested that those who believe the daily had wronged them by publishing significantly distorted facts or incorrect information should first take advantage of the possibilities suggested by Principle no. 4 of the Code regarding the publication of a correction or a response, and to file a complaint with the Ombudsman only if they feel that the media outlet did not respect their rights and violated the Code. **Although we believe that the suggestion of the Ombudsman is correct and in line with the Rules of Procedure, we suggest that in the early days of self-regulation in daily *Dan*, the Ombudsman should participate as actively as possible in the establishment of trust between the readers and editorial staff.**

In the case of a complaint that was only partially adopted, the Ombudsman of daily *Dan* did not state which principle of the Code had been violated. **Finding of the violation of the Code should be supported with the statement of the specific principle and guideline violated.**

Although commencement of the work of the weekly Monitor's Ombudswoman has been announced in July, the public hasn't been informed of any of her decisions or reports to date. Also, no important information concerning the rules and procedures for interested readers, i.e. citizens to file a complaint, and rights and duties of the Ombudswoman in this regard has been announced. **Monitor should as soon as possible publish a document regulating Ombudsman's rights and duties and specifying procedures for filing complaints.**

### Findings of comparative media monitoring

Media often use research conducted by the Network for Affirmation of NGO Sector (MANS), pertaining to crime and corruption also at the highest levels of Montenegrin government, but quite frequently take these findings for granted without trying to additionally verify, using journalistic methods and tools, the soundness of data obtained by MANS. **As journalism, *inter alia*, implies verification skills, the media are required to verify information obtained from NGOs researchers, or any other more or less relevant and reliable source, with the other party and with independent sources.**

The monitoring conducted by both MCSR and HRA teams shows frequent violations of Principles no. 1 and 3 of the Code of Montenegrin Journalists, which are crucial for the credibility of the media, and which relate to the accuracy and balance of reporting and inviolability of facts. By and large, violations of these principles result from emphasising one aspect of the story and failure to verify information from independent sources, as well as from placing of comments and opinions in news reports without necessary separation. **HRA reiterates its recommendation that journalists must immediately give the opportunity to the other party to respond to allegations and emphasizes the obligation of verifying information from independent sources. Commentary and news should be clearly separated.**

The violation of the presumption of innocence (Principle no. 10 of the Code) is still by far the most common example of unethical practice in the media. **Once again, we recommend the media do their best to reduce the number of instances of violation of the presumption of innocence to a negligible extent. Mitigating circumstance in this case is that this violation is quite easy to recognize, therefore, with the good will of journalists and in particular editors, it can be easily avoided. A question mark at the end of a statement suggesting someone's guilt may, at least partially, lessen the final effect of such statement.**

In a significant number of examples, HRA associates have noted violations of the Principle no. 5 by stating nationality of a person suspected of a crime, i.e. highlighting this fact in the news title without any professional reason. On the contrary, such indications intentionally or unintentionally suggest to the public that someone's nationality is of importance for an alleged wrongdoing of that person, which is in complete contradiction with the Code. **HRA recommends the media outlets to avoid highlighting the nationality of a person suspected of a crime in the texts, especially in the headlines, as it may only contribute to the deepening of stereotypes and incitement of hatred.**

As it has been emphasized in the previous report, the majority of examples of violations of the Principle no. 8 of the Code in monitored television news programs is related to the disclosure of names of traffic accident victims. Detailed monitoring of the press and web portals over the past five months has proved such unethical practice quite common in these media outlets, too. **HRA repeats its earlier recommendation that the media should be much more careful and considerate to the victims of crime or accidents, since, under the Code, they are entitled to special protection of identity, except in cases of extraordinary circumstances, which should always be carefully considered.**

Several examples have been noted where the media published the lists containing citizens' names and surnames and their unique identification numbers and/or private telephone numbers, committing thus severe violation of their privacy. Regardless of the basis for reasonable suspicion of certain person's illegal behaviour, in none of the said examples did the media have the right to make their private information public. **Since the guidelines for the Principle no. 8 explicitly state only that "the private addresses of people shall enjoy special protection," without mentioning unique identification numbers and private telephone numbers, HRA recommends amendments to the Code in order to specify that these data too shall be kept strictly confidential.**

A number of examples of plagiarism noted by HRA and the fact that self-regulatory bodies overlook such unethical practice point to an upsetting conclusion that plagiarism (publishing other people's photographs and texts without acknowledgment of authorship) is not seen as a serious violation of ethical norms. **MCSR MT, as well as the current Ombudspersons, should henceforth pay more attention to plagiarism as an unethical media practice. It is particularly important to do so for the young journalists who are more knowledgeable on the new, on-line media, and whose knowledge of foreign languages makes it easier for them to take someone else's work without citing the source. As it has been pointed out in previous HRA reports - as clearly asserting their authorship with regard to articles and photographs, it is desirable that the media do the same when using someone else's articles or parts of those articles, photographs and other graphic illustrations.**

There has been a significant increase in the number of more or less covert advertising in television news programs, as a result of the fact that newsrooms transmit companies' propaganda material uncritically. **A journalist should act solely in the public interest and not in the interest of companies, including own**

media company. It is crucial that the audience can differentiate at all times between advertising and content processed by journalists.

## Headlines of articles that violated the Code of Journalists of Montenegro

### Principle 1

**Dan:** Jedan Rom na magistarskim studijama, Raspop podnio ostavku zbog mobinga, Kupovao sam lične karte za DPS po 150 eura, ZZZCG, mimo zakona o finansiranju stranaka, oglasio više slobodnih radnih mjesta, Policajac je kaznio zbog gledanja na sat, Sumnjive veze sa kriminalom preko Prve banke, Aco tuđim parama naplatio kredit Holder brokera, Direktor škole kupovao lične, policajci zastrašivali glasače, Crkva na Rumiji velika svetinja, Izrešetan zbog šverca kokaina, Ko ne karikira jezik, kazne do 6.000 eura, Milovan Baždar tvrdi da je za zloupotrebu službenog položaja osumnjičen bez dokaza, Oteli su mi imovinu uz blagoslov suda i vještaka, Umalo linčovan ispred džamije, Dijete prevela preko granice lažnim pasošem, Kalač nagovijestio samoubistvo, Mutljavina s izvještajima, Umro od batinanja u zatvoru;

**Vijesti:** Mićunovića zvali da smiruje Šarića, NVO tuže ministarstvo, Nestalo struje kad je Turčina krenulo, Djevojke se muški tukle, Širenje porodice uz pomoć heroina, Reis prozivao novinarku, Dozirali spise da bi ih izveli na sud, Pink M i Informer su Đukanovićevi, Nepoznavanje postupka: kaucija će im biti vraćena ako se odazovu na suđenje, Mugoše Miomira molile da gradi, Zatvorenici ljuti na sociologa, Mićunović izbacuje Kneževića sa fakulteta;

**Dnevne novine:** Poništavaju pečate zato što im je volja, Perišiću od KAP-a 28.000 E, Biciklista naletio na kamion u pokretu, Kazino ostao bez struje kada je Turčin dobio na džek-potu, Netačne deklaracije varaju potrošače, Cimbaljević se oženio u Vankuveru, Dobio novac, a Lob mu ga ne da, Romima normalno da tuku žene;

**Blic CG:** Tri Zarijina dana kao tri decenije, Gej parada na Vidovdan, Roditelji prepustili ulici šestoro djece, Gejevi hoće da se žene, ali vlada odugovlači, PIO ne poštuje odluku suda, Prvi deklarisan crnogorski gej se oženio, Ruskinja Novljaninu otela dvogodišnjeg sin, Dijete odvela s lažnim pasošem preko granice, Podgorički Građevinar ojadio tivatsku opštinu;

**In4S:** Sutomore: Tajkuni režima napali Ivana Zankovića na kućnom pragu i prijetili mu likvidacijom, Zaplijenjeni materijal: DPS u Beranama popunjavao zahtjeve za glasanje putem pisma, Portparolka NATO vrijeđala srpske žrtve, : Direktor škole kupuje lične karte (VIDEO), UDG: Crnogorski Megatrend;

**CdM:** Romi nevine djevojčice prodaju za 15.000 eura, Ubio se suvlasnik Greenwicha i Buda bara, ZIKS: Komandir prebio osuđenika zbog svjedočenja, Najezda zmija u Bijelom Polju, Godišnjica od Parade ponosa: Otvorena Pandorina kutija jezika mržnje i netolerancije;

**Portal Vijesti:** Osveta zbog novinskog teksta, Palicom po glavi za 4.000 eura, Petrovići ogorčeni na sudstvo: Ko je kriv za napad psa?, Čalović i Milovac fizički napadnuti u Izornoj komisiji, Mićunović izbacuje Kneževića sa fakulteta.

### Principle 2

**Pobjeda:** Sve crnogorske afere.

### Principle 3

**Pobjeda:** Medijska mafija pokušava da se dokopa vlasti, Oni koji su branili S.Č. i sad Vanju imaju istu metu, Vanjino koprcanje da pravda 150.000 eura, Crnogorskim jezikom govori 41, a srpskim 39 odsto građana, Dok drugi ćute, MANS 'presuđuje', Ne pomaže voda, majko;

**Vijesti:** Mitropolit Mihailo može da ulazi u crkve, Godišnje 50 osoba traži liječenje, Crnogorski pretekao srpski jezik za 2 odsto, P.I.svrsto i CANU među neprijatelje, Trafikanti jure djecu koja prose;

**Portal Vijesti:** DPS izgubio i pare i Berane, Šćekić kandidat za gradonačelnika, Anketa: Svaki treći sa pozitivnim stavom prema državnim simbolima, Za građane Crne Gore Đoković najkvalitetniji sportista, Roling Stouns najbolji bend;

**Dnevne novine:** Kako je Ljumović preveslala zakon i otvorila banku, Prisilni brakovi tamna strana tradicije, Crnogorski zbori 41 odsto građana;

**In4S:** Bajden zalupio vrata Đukanoviću, Lokalni izbori: Ucjene, kupovina ličnih karata, tuče, pištolji;

**Potal RTCG:** Crnogorski zbori 41,1% građana;

**Dan:** Mirašlije oskrnavile spomenik;

**Blic CG:** Crnogorski zbori dva odsto manje nego lani;

**Portal Analitika:** Vučić za prvih 100 dana dobio četvorku od građana;

**Monitor:** Premijerova osveta Vijestima.

#### Principle 5

**CdM:** U Jasenovcu posadili cvijeće u bojama šahovnice u obliku ustaškog simbola, Tivat: Bosanac pokušao da ukrade brod, Romi u Podgorici proslavljaju Đurđevdan: Jedino danas imamo dobar ručak, Rus prevario taksistu za 1.000 eura, Bruka: U srpskim udžbenicima LGBT osobe zajedno sa pedofilima i prostitutkama;

**Portal Vijesti:** Ražnatoviću tri mjeseca zatvora zbog povrede novinara Mirka Boškovića, Na granici Crne Gore sa Hrvatskom uhapšen Albanac sa 52 kg marihuane, Ubijene vođe vojnog krila Hamasa; Članice EU diskutuju o rezoluciji UN o primirju u Gazi, Bosanac A.K. izručen Hrvatskoj;

**Dnevne novine:** Rusu produžen ekstradicioni pritvor, Uhapšen Makedonac, Uhapšen Crnogorac, Uhapšen Sbijanac, Albanac oslobođen za šverc marihuana;

**In4S:** Fašizam: U Pokretu za ubijanje Srba i funkcioner DPS-a Mitar Radonjić, na meti i muslimani, And the Oscar goes to.....Бане Поповић, SNP: Simović koordinirao akcijom kupovine glasova u Pljevljima;

**Vijesti:** Rus pokošen dok je šetao trotoarom, Ruski tajkun zatrpavca plažu, Ruskinja ga zatočila u vili, Protjerani Rus se vratio u Avalu;

**Dan:** Rusa udario autobus, Sudanac ilegalno prevozio ljude;

**Portal Analitika:** Bosanac A.K. izručen Hrvatskoj;

**Pobjeda:** Potaga za Rusom koji je udario turistkinju.

#### Principle 8

**Vijesti:** Razvod će Mićunovića koštati četiri miliona eura, Manda se potukla s rođakom na svadbi, Dvoje mrtvih u 'Solarisu', Vjenčao se Damir Mandić, Izbjegavajući čeon sudar udario u parkirani automobil, Poginuo pomažući vozaču šlepera da se parkira, Poginuo motociklista Milosav Simonović, Obrenovčanin teško povrijeđen, Poginuo radeći kraj oca, Belgijanac slomio nogu na planinarenju, Majka poginula, kćerka u bolnici, Slađana Radinović povrijeđena u udesu, Dvoje mrtvih u čeonom sudaru, 'Golfom 3' udario sudiju i njegovog dvogodišnjeg sina, Feliks ostao bez vozačke dozvole;

**Dnevne novine:** DPS optužen za kupovinu glasova, Pronađena dva beživotna tijela, Oženio se Mandić, kumovao Bigović, Sudar pasata i golfa u tunelu, Stradao mladić iz Novoga, U Novom poginuo motorist, Dječak spašen od utapanja, Majka poginula, kćerka povrijeđena, U Zeti poginule dvije osobe, Ženi slomljena potiljačna kost, Poginuo motociklista, Otac i kći kitično, U udesu dvoje povrijeđeno, Poginuo pješak, Šestoro povrijeđeno u udesukod Petrovca, Ženi se Duško Šarić;

**Dan:** Specijalni dodatak, Objesio se ispred kuće, Pronađeni mrtvi u magacinu, Povrijeđene četiri osobe, Poginuo motociklista, Teško povrijeđen motociklista, Smrt u smrskanim automobilima, Udesi u Nikšiću i Kolašinu, Poginuo motociklista, Otac i kćerka u teškom stanju, Stijena usmrtila mladića, Majka poginula, kćerka kritično, Mladić poginuo sijekući šumu, Prijava protiv oca Jovanke Radičević;

**Portal Vijesti:** Bar: Uhapšeni osumnjičeni za podmetanje požara, Ulcinj: U marketu "Solaris" pronađene dvije mrtve osobe, U pucnjavi u Nikšiću ranjena dva mladića, Udes na putu Pljevlja - Đurđevića Tara: Nikšićanin teže povrijeđen, Kod Pljevalja poginuo pješak, Poginuo radnik Željezare, Žabljak: Dvoje povrijeđeno u udesu, Podgorica: U udesu poginula jedna osoba;

**Pobjeda:** Propalice iz Dražinog fronta, Otac i kćerka i dalje na odjeljenju intenzivne njege, Teško povrijeđen vozač 'reno', Nišljia lakše povrijeđen na putu Kolašin-Mojkovac, Skočio u Moraču sa mosta Pjenavac;

**CdM:** Nikšić: U pucnjavi ranjena dva mladića, Nova Varoš: Poginule majka i kćerka sa Cetinja, Poginuo radnik Željezare prilikom pada sa kрана, Kolašinac skočio sa mosta Pjenavac;

**Blic CG:** Bile uzdanice i u profesiji i u svojim porodicama, Otac i kći na intenzivnoj, U Nikšiću poginuo motociklista;

**Portal Analitika:** Cetinjanka i njena majka poginule kod Nove Varoši, Kolašinac skočio sa mosta Pjenavac;

**In4S:** Ekskluzivno: Zaplijenjena evidencija DPS-a na Koniku.

#### Principle 9

**Dan:** Plaćam alimentaciju za tuđu djecu;

**Dnevne novine:** Kreće akcija prosjak;

**Blic CG:** Djevojčicu iz čeljusti psa otrgli prolaznici.

#### Principle 10

**Dan:** Krao bakarne šine, Opljačkao kladionicu, Cetinjanin udario policajca, Krali televizore, Krali šta su stigli, Uhvaćen u krađi, "Oteo" Podgoričanina jer mu nije platio vožnju, Drogu krio pod pazuhom, Uhvaćen sa 220 grama skanka, Baranka provaljivala u stanove, Ukrao mobilni telefon, Pare od kokaina

prali preko Prve banke, Heroin krio u čarapi, Cetinjanin organizovao šverc dvije tone kokaina, Namamio ga u sobu, pa ubio, Pokušao da obije kiosk, Maloljetnici palili palme, Opljačkao prodavnicu, Ukrali akumulator, Drogiran pljačkao kuće po Beogradu, Crnogorci švercovali skank, Opljačkao pumpu, Švercom kokaina zaradili milione, Uhapšeni napadači, motiv i nalogodavci nepoznati, U patosu krio skank, Gađao policajce, Ukrali auto, U čarapi krio sintetičku drogu, Krali pare i tehničku robu, Rate uplaćivao sebi, Hladnokrvno pucali u mladića, Krao gorivo i akumulator, Obijao kuće, Komšiji postavio bombu, Opljačkali pumpu, Krao gorivo i akumulator, Dva puta silovao cimera u ćeliji, Džerija udario sjekirom po glavi, Švercovao skank, Prevozili 16 kilograma skanka, Skank krio u patosu, Nevjenčanu suprugu tukao do smrti, Švercovali 18 kila skanka, Švercovao 'bijelo', Švercovao skank preko granice, Služili kao paravan za Svetovu imovinu i firmu, Švercovao skank, Odbrana tražila odlaganje, Drogu krio u putnoj torbi, Skank krio u krovu auta, Uhapšena tri razbojnika, Opljačkao osam vozila, Rađenović držao pištolj bez dozvole, Štampali 350 lažnih novčanica, Dilovao heroin, Ukrali auto i televizor, Uhapšeni na djelu, Krali cigarete i novac, Dilovao kokain, Udarali odborničke kandidate Pozitivne i prekidali skup, Ukrali zlato, Ukrali novčanik i bojler, Baba tražila da joj unuke osude na po pedeset godina zatvora, Bio u bjekstvu, a slavio u DPS-u, Čekićem ubio sugrađanina, Bivši policajac dilovao marihuana, Makedonac švercovao zlato, Dječak opljačkao kazino, Ukrali skupe cigarete, Opljačkao 'Voli', Podgoričanin opljačkao 'Voli', Skank krio u rezervoaru, Pištoljem pokušali iznudu od 10.000 e, Ukrao lijekove vrijedne 12.000, Drogu krili ispod rezervnog točka, Pokušali da iznude 10.000 eura, Ubicama pružao logističku pomoć, Tukao desetogodišnjaka, Oteo 5.000 eura, pa ih potrošio, Crnogorci pljačkali po Italiji, Žarko Pavićević Opštinu ošteti za 75 hiljada eura, Prevezio 20 kilograma skanka, Identifikovan piroman iz Budve, Ubio ženu pa pozvao policiju, Starca pretukao pa pokrao, Podvodili plesačice u Budvi, Ranio komšiju, Bjelopoljac silovao Ukrajinu, Albanac prevezio 20 kilograma marihuana, Prijetio policajcu, Tukli trojicu mladića, Dilovao heroin, Švercovao 100 kilograma heroína, Vođe 'delija' pokušale da naplate 250.000 eura, Iznajmio auta, pa ih nije vratio, Silovao u Njemačkoj, Nasilnik u pritvoru, Krao cigarete, Obljubio djevojčicu, Ranio sugrađanina zbog konobarice, Aktivirao bombu ispod automobile, Pipkao djevojčicu, Utajili preko milion eura, Pretukli policajca i njegovu suprugu, Pet hitaca u leđa nevjenčane supruge, Švercovao cigarete, Predstavljao se kao policajac, Nehotice ranio brata, Dok je pljačkao policajci mu nesvjesno pomagali, Obijao lokale, Razbojnik u pritvoru, Krao po Baru, Nakon potjere kacigom gađao policajce, U stanu krio heroin i kokain, Rus ukrao pare, Na primorju podvodili djevojke, Davao maloljetniku drogu, Prebili Podgoričane pa pucali na njih, Ranio beskućnika, Satarom ubio ženu, Pokušao da sakrije pištolj, Diler u pritvoru, Švercovali heroin, Puštena na slobodu i nastavila da krade, Druga pozvao u pomoć pa pokušao da ga ubije, Novljanina tukao pištoljem, Pustio pse na policajce, Pokušao da ubije sugrađane, Opština Budva pronevjerila 3,5 miliona, Krao novac i nakit, Pljačkali lokale i tukli radnike, Nikšićni pljačkali firmu 'Montekargo';,

**Dnevne novine:** Falsifikovali pasoše i lične karte, U koferu krio marihuana, Maloljetnik ošteti EPCG za 8.000 eura, Uhapšen a 220 grama skanka, Krali dobrotvorne priloge iz crkve, Opljačkali magacin, Upadali u tuđe kuće i automobile, Mladić ukrao telefon bivšoj djevojci, Krali amfore i ćupove, U potkrovlju krio skank, Sjekirom nasrnuo na mladića, U krovu džipa švercovali 16 kilograma skanka, Štampali novac pomoću skenera, Držao dvije puške, Palicom po izlozima, Priveden nakon krađe telefona, Poštar lažirao napad, Budvanin Ukrajinu isjekao ruku, Pucao u sestru i ostavio je zaključanu u zapaljenoj kući, Krao akumulator i gorivo, Upadao u tuđe kuće i iz njih krao novac i telephone, Nakon pljačke prijetio tužiou, Šarić drogu nabavljao i za 'Ndragentu', Uhvaćen u krađi, Na smrt pretukao maloljetnu suprugu, Uhapšena trojica Kosovara, Pokušao da ukrade brod 'Sveti Marko', Italijan švercovao 10 kilograma skanka, Uhapšeni pljačkaši, Blagajnik odnio 32.000 eura, Dva puta krali isto vozilo, Maloljetnici ukrali



automobil, Zbog tezge nožem nasrnuo na ženu, Pucao u koleginiu, pa zatim sebi oduzeo život, Maloljetnik nožem opljačkao kazino, Švercovao heroin, Uhapšen razbojnik, Pištoljem pokušali iznudu od 10.000 e, Bacio heroin, pa napao policajca, Nudila mito za muževu vizu, Ukrao zlatni lanac, Uzgajao kanabis, Ukrali 'golf' da bi otišao na more i u pljačku kuće, Iz tuđe kuće ukrao petsto hiljada eura, Premlatili braću, Švercovao skank, ne i heroin, Ubio brata, Akter pucnjave se predao policiji, Pokušao da iznudi 4.800 eura, Obili jedanaest automobile, Krali podupirače za građevinske skele, Pokušali da iznude 250.000 E, Prijetio policiji, Sekretar zloupotrijebio ovlašćenja, Oštetila RTV Nikšić za preko 37.000 eura, Iz Rode krala kozmetiku, Ukrao đaćku torbu, Benzinom polio vozilo BMW, Prebio sugrađanina i ukrao mu 80 eura, Pucao drug na druga, Ukrao 385 eura iz marketa, Oštetili budžet za 1.000.000 eura, Ubio ženu, pa se brani sa slobode, Krala po Sutomoru, Ranio bata, pa pucao na policiju, Pucao u nevjenčanu suprugu, Ojadila žirante za 100.000 eura, Priveden pljačkaš kladionice, Opljačkao tri objekta u Podgorici, Računovođa oštetio budžet za 5.137 eura, Srbijanac obio deset kuća, Krali kočione umetke sa vagona, Ranio suprugu nožem u stomak, Službenik bezbjednosti unio mobilni u zatvor, U frižideru čuvao sintetičku drogu, Nakon svađe potegao pištolj, Nožem izbo najboljeg druga, pa pobjegao, Stanišić i Klikovac u Spužu, Iznudili 450 eura na ime navodnih šlep usluga, Određen pritvor razbojniku, Pokrala turiste, Osumnjičeni pustio psa na policajca, Pištoljem izudarao Hercgnovljanina, Napao policajce, Krali željezo iz hala 'Radoja Dakić', Muzičar švercovao 20 pištolja, Crnogorac pao sa 30 kg marihuana, Tukli, maltretirali, krali, pa demolirali, Prodavao drogu djetetu;

**Vijesti:** Trio iz Bara iz kuća krao televizore, garniture, Kamionom švercovali farbu u Crnu Goru, Udario policajca tokom pretresa kuće, KOMPIJA bombu postavio sudiji, Maloljetnici ukrali novac i obijali magacije sa alatom, Miki prodavao kokain Ndrangeti, Pakovanja skanka spremio za prodaju, Ukrao televizor i 'Hilti' bušilicu sa opremom, Uzeo pare za izgradnju apartmana, pa nestao, Sjekiricom udario Džerija, U 'bunkeru' krio 16 kilograma skanka, Maskiran i naoružan krenuo u 'trgovinu', Ukrao jastuke, vrata, brave, parket i tabure, Pretukao Kosovara i oduzeo mu mobilni telefon, Maloljetnik krao novac, telefone, cigarete, Dječaci iz Bara ukrali televizor i automobile, Dvojica pljačkala, a dvoje otimali novčanike, : Iskidao joj tetive, nakon pijanke, Pod prijetnjom nožem, ukrao 700 eura, Provalili u kuću Engleza i krali alat i tehniku, Ukrali novac i hranu iz školske kantine, Spremao se da uždi dva vozila, Razbojnik sa nožem trčao kroz Delta siti, Krali bakarne cijevi i bijelu tehniku, Tukao komšiju pištoljem po glavi, Italijan u patosu i krovu automobila krio drogu, Maskirani i naoružani iz kazina odnijeli 2.300 eura, Bjelopoljac uhapšen u Srbiji zbog pronevjere, Ukrali tašnu sa nakitom i djelove transformatora, Lopovi u pritvoru, za 92.00 E se još traga, Maskirani maloljetnik oteo Pazar iz kazina 'Kojot', Benzinom zapalili 'seat toledo' pa pobjegli, Krali automobile i telefone, otimali torbice, Urezervoaru nosio 8,5 kilograma skanka, Milijan nožem prijetio da će zaklati dijete, Gile prebio Bobana, pa dobio metak, Policajcu zapalio automobil jer ga je na ulici legitimisao, Milošević sklapao ubojitu napravu, Paljušević 'pao' sa 100 kg skanka, Švercovani mlijeko u prahu i domaću rakiju, Bjelopoljac i Budvanin tukli dvojicu Nikšićana, Ilija Džojić uhapšen sa dvadeset grama heroina, Tukao, otimao i bježao policiji, Dražen Rašović prijetio policajcu koji ga je hapsio, U autu prevezio 20 kilograma skanka, Iz Srbije švercovali robu vrijednu 500.000 eura, Šipkom po glavi, da bi ukrao 80 eura, Seksualno maltretirao 15-godišnju djevojčicu, Nakon svađe pucao u druga, Radnicim marketa prijetio da će ih ubiti, Ranio brata pa pucao na auta i policiju, Trgovao lažnim novčanicama, Zakupac plaže tukao turiste, Kupačima u sutomoru krao torbe i telefone, Sa pet metaka usmrtio Tanju Šekarić, Za sat vremena počinio šest krivičnih djela, Ukrali 'pežo', alat, gorivo, mobilni telefon..., Podgoričanin gađao policiju kacigom, Iz kuća krao novac, oružje, nakit, mobilne telefone, Avdulj ponovo isjekao suprugu, Kesice droge čuvao u frižideru, 'Vojvode' povrijedile sedam policajaca, Biber nožem jurio Nikšićanina, S pištoljem 'CZ M-70' došao na posao, Lumaj pokušao da otme

novac trgovcu, Nožem izbo druga, Uz prijetnju nožem iz kazina oteo 700 eura, Dva mjeseca izdržali na slobodi, Reketirai kamiondžiju, Podgoričanin Novljnina udaro pištoljem po glavi, Košarkaš švrcovao kokain, Isjekao se da ne bi više stražario, Iz kaveza pustio psa na policajce, Trojica Barana pesnicama pretukla mladića iz Srbije, Zbog 700 eura plijena pretukao i vezao starca, Pokušali da ukradu alat iz hale 'Radoja Dakića', Alen Hot iz kuće ukrao hiljade eura, Stražar pokušao da uese telefon;

**Pobjeda:** U Baru uhapšeni pljačkaši, Dolijao zbog pljačke kladionice, Za noć pokušao tri razbojništva, Osumnjičeni drogu krili u rezervnom točku, Podgoričanin krijumčario heroin u čarapama, U stanu krio veliku količinu oružja, Baranin u stanu krio skank, Obili kuće i odnijeli namještaj od 1.000 eura, Iz kuće ukrali sanitarije i alat, Obio magazin i odnio paket sa obućom, U prtljažniku krili drogu, Krali kamene posude teške više od 100 kilograma, Bar: Ukrali 280 eura sa pumpe, Bjelopoljac napao sugrađanina sjekirom, Albanski državljani uhvaćeni sa 16 kilograma skanka, Bar: Uhapšen vozač koji je udario dječaka, Na smrt pretukao maloljetnu suprugu, Petnaestogodišnjak EPCG nanio štetu od 8.000 eura, CKB: Milka i Bose čašćavale milione tuđim parama, Nastavniku produžen pritvor zbog seksualnog uznemiravanja učenika, Na smrt pretukao maloljetnu suprugu, Prijeteći nožem odnijeli 2.300 eura, Opljačkali kazino, Barani ukrali kompjuter, "reno senik" i televizor, Obijali prodajne objekte i krali novac, 'Nezavisni' mediji koriste žrtve za medijski obračun, Vlasnici butika 'digli' novčanik, Predsjednik opštine Ulcinj nanio štetu Vodovodu od 160.000 eura, Ubio, pa opljačkao svoju babu, Obio prozor i na silu ukrao 5.000 iz ormara, Podvodili djevojke i ugovarali cijenu, U Kotoru uhapšen diler droge, Upadao u stanove i krao svari, Berane: Mladić pretukao 85-godišnjeg komšiju, Uhapšen zbog sedam krađa u Baru, U sjedištu motocikla krio pištolj i marihuana, Nikšićanin krio kokain i skank u stanu, Crnogorac pokušao da prokrijumčari 20 pištolja, Ukrao tri pnte sa Male plaže u Ulcinju, Čuvar pokušao da doturi mobilni pritvoreniku;

**Blic CG:** 'Jednoki' razbojnik pokušao tri pljačke, uplašio se, pa uhapšen, Oteo djevojku jer nije platila vožnju, Putnica iz Danilovgrada kamenovala voz, Razbojnik iza brave, Namjestio rođaku milionsku zaradu, Razbojnik uhapšen ubrzo nakon pljačke, Prevaranti iza brave, Poštar potrošio pare, pa izmislio da je opljačkan, Osujećen u pokušaju paljenja automobile, Majka tražila milost za sina koji je ubio babu, Đeka oštetiio Vodovod za 160.000 eura, Makro htio da bije novinare, Batinama iznuđivao novac i automobil od starca, Tražili 250.000 eura reketa, Oprao više od milion i po eura, Oštetili državu za više od milion eura, Sa pet metaka u grudi ubio nevjenčanu ženu, Svađu prekatio pištoljem, Ranio brata, pucao na policiju, izazvao sudar, Lažni saobraćajac naplaćivao kazne, Obezbjedeње tuklo Nikšićane, Čuvar htio da unese telefon zatvoreniku, Zagoričani napali i pretukli mladića, Iznuđili 450 eura od kamiondžije koji je imao udes, Bivši košarkaš Budućnosti švrcovao kokain, Brutalni lopov pao na granici;

**CdM:** Zbog šverca kokaina uhapšena i tri Crnogorca, Vozom pokušao da prokrijumčari preko četiri kilograma skanka u Srbiju, U bunkeru u krovu džipa krili 16 kilograma skanka, Uhapšen Nikšićanin zbog krađe u marketu Albona, Tivat: Zloupotrebom položaja oštetili Kraljevčanina za 348.000 eura, Dva puta silovao cimera u ZIKS-u, Incident u Zagoriču: Nakon udarca, kamenom istjerivao pravdu, Budvanin optužen za silovanje turistkinje iz Hrvatske, Vuksanoviću 30 dana pritvora zbog ranjavanja Klisića, Srpkinja reketirala italijanskog paroha, Nikšić: Uhapšen zbog pokušaja ubistva, Rožaje: Nožem ranio suprugu;

**Portal Analitika:** UP: Zaplijenjena sintetička droga iz Srbije, diler uhapšen, Krvava drama u Osijeku, Zagoričani saslušavani zbog bombaškog napada na kuću Lakovića, U pucnjavi u izbjegličkom naselju ranjena jedna osoba, Nikšić: Uhapšen zbog pokušaja ubistva;

**Portal Vijesti:** Riješen slučaj u Ulcinju: Marko pucao u Ceku, pa u sebe, Brusilicom na oca zbog izbora i DPS-a, Pristala da švercuje heroin jer je skupljala novac za vještačku oplodnju;

**Portal RTCG:** Podgorica: Ukrao kinesku obuću, Vlasnik "Narcisa" naručio prebijanje, Taksista založio auta kod kamataša i pobjegao, Uhapšen zbog ubistva maloljetne supruge, Uhapšen zbog pokušaja ubistva;

**In4S:** Bivši DPS-ov gradonačelnik Niksica-ostetio opštinski budžet za-150-000-evra, Odbijena žalba, Tijanin ubica ostaje u pritvoru.

#### Principle 11

**Dnevne novine:** Merkator mijenja ime u Roda trgovinu, Zoran među frizerskim ikonama, Jaja neće poskupiti, Sniženje na 19. rođendan, Razgovor uz kafu: Nova kolekcija zaslužuje pažnju, Otvorili filijalu u Prištini, Polupodmornica za razgledanje podmorja, Razgovor uz kafu: Dva albuma u najavi, Novi nivo usluga;

**Dan:** Po 100 eura za pet beba, Otvorili devetu pumpu u Nikšiću, Sajder s ukusom trešnje uskoro na tržištu, Brige stop, uplate non-stop, 4G internet za posjetioce Si Densa;

**Portal Vijesti:** Helikopterom u luksuznu avanturu istraživanja Crne Gore, U Nikšiću otvorena drogerija „Dama“, Dukljanski vrtovi: Za mjesec dana prodana četiri apartmana;

**CdM:** Nova agencija u Porto Montenegro: Otkrijte Crnu Goru iz vazduha, Zorica Živković i Nevenka Dragović dobile Gorenje mašinu, Vrhunsko američko obrazovanje i tražena zanimanja: Studiraj menadžment u turizmu!;

**Portal Analitika:** Upoznajte Crnu Goru iz Porto Montenegra;

**Pobjeda:** Samsung Galaxy S5 se može rezervisati

#### Principle 12

**Dnevne novine:** Opra i Snup Dog se pomirili, Foto priča: Grad kao platno, Foto priča: Legende na premijeri, Foto priča: Pas kao svjedok, Foto priča: Najstarija boca s porukom, Gagin striptiz za dečka, Atomska bomba, Foto priča: Polokov 'mural', Foto priča: Stan vrijedan 42 miliona, Upoznajte novo lice Grčke, Foto priča: Kako je izgledao Rim?, Foto priča: Ričards piše za djecu, Preminuo 'glas trejlara', Foto priča: Džemper za pingvine, Foto priča: Hodao po žici, Serija nesrećna za neke glumce, Foto priča: 'Mladi zec' velikog Direra, Naslovnica Voga dočekana na nož, Foto priča: Strah od sira, Skok za svjetski record, Foto priča N: Njemački umjetnik u Ermitažu, Da li je Hitlerova žena bila židovka?, Transvestit sa Kosova postao zvijezda, Uzeću pušku i upucati u čelo tog gada Putina, Na žiro -račun mu greškom uplatili 31.000 dolara, Foto priča: Rijetka bolest, Bez naslova (Vijest je o poseti britanskog princa i njegove supruge Novom Zelenaud), Učenik izbo 20 drugova, Favele u Riu ponovo gore, Foto priča: Zapanjujući primjer fotosinteze Foto priča: Čestitke kralja, Foto priča: Dragocjena minduša, Foto priča: Čovjek jede eksere, Obrok od 1.500 eura, Bez naslova (performans na Trafalgar skveru), Foto priča: Najstariji čovjek, Foto priča: Šou uplakanih beba, Prva iskustva tek nakon 20. Godine, Foto priča: Travoltu vole u Indiji, Foto priča: Napravio drvenu 'bubu', Foto priča: Napravio drvenu 'bubu', Foto priča: Bob Dilan kao slikar, 'David' u opasnosti, Bajkovite fotografije, Karavađa čuvaju na promaji, Foto priča: Psi liče na pande, Foto priča: Najgojaznija žena na svijetu, Foto priča: Čovjek koji vozi svoj kofer, Foto priča: Edrijan Brodi sa ružom, Zvižduci za oskarovca, Foto priča: Vik Muniz u Soteriju, Foto priča: Zmajevi na kroazeti, Foto priča: Najniži vatrogasac Foto priča: Kad pitoni masiraju, Rafael van der Vart bez Svjetskog prvenstva,

Najljucije jelo na svijetu, Foto priča: Uginula najstarija mačka na svijetu, Dan žalosti: Ukrajinci tuguju za poginulim vojnicima, Foto priča: Žvakaće gume na skulpturi, 'Robinzon' na maloj stijeni, 'Vrući' karneval Latinoamerikanaca privukao turiste, Foto priča: Kuća pečurka, Filip VI krenuo u obnovu monarhije, Foto priča: Emili Blant protiv svemiraca, Foto priča: Nagrada Džejn Fonda, Supergrabljivac u okeanu, Foto priča: Anđelina Džoli kao Grdana, Foto priča: Američki Robin Hud, Irak klizi u ruke terorista, Foto priča: Lanac nezavisnosti, Foto priča: Pijaca Elizabete druge, Foto priča: Legende zajedno na bini, Fedeks, zbogom, Najstariji univerziteti na svijetu, Pola miliona ljudi u protstnoj šetnji, Tornado Đoković, Naj 'selfi' na svijetu, Sirijci juče birali Asada, Hamel - grad lovca na pacove, Otkriven slonomiš, Teško Kolumbijcima ako osvoje Mundijal, Kad se kapiten plaši, Pijetlovi ponovo lete, Rubrika: HotSpot: Dvije fotografije, Pustinjske lisice pravi heroji nacije, Robot piše Sveto pismo, Bivši gradonačelnik osuđen zbog mita, Kosta Konkordija ponovo pluta, 60.rođendan kancelarke Mrkel, Foto – zum, Amelija obletjela svijet, Foto piča: Izazov ljubavi, Oland ponovo izviždan, Vojna parda na Dan pda Bastilje, Neguori protutnjao Okinavom, Neočekivane ljepot Jadrana, Britanija gura hitan zakon o prisluškivanju, Francska želi novu EU ekonomsku strategiju, Udovici pušača 23,6 milijardi dolara odšete, Ljubav je ipak najjača, Najskuplji medeni mjesec na svijetu, Foto priča Vjenčanje krave i bika, Devet najšokantnijih knjiga za djecu ikada, Skala izopačnosti' doktora Majkla Stouna, Pomoć sudovima sa smrtnim pesudama, Tekst i fotografija iz Gaze (bez naslova), Hamas je kao Al-kaida, Kraljevsko priznanje za Lansburi, Benksi snimljen, Foto priča: Zvijer' i 'lav' u Londonu, Tragedija koja nas upozorava, Najfotografisanije građevine svijeta, Kampovanje u Sjvrnoj Koreji, Kina protiv 'terapije za konverziju homoseksualizma', Italija uhapsila mafijaše širom Evrope, Obama o problemu imigranata, Nakon izbora o penzijama, Ne naplaćujte ono što vam je obaveza, Foto priča: Priča o princezi, Šareni okean od milion cvjetova, Krv oboji zemlju i more u crveno, Karvahal nedostižan za američku pravdu, Evropa da ne bude tačkica na Gugl mapi, Potukli se turski poslanici, Pacovi opkolili Luvr, Dvije trećine Francuza protiv povratka Sarkozija, Zemljotres odnio 381 života, Gaza se uzda u pregovore, Držali muškarca kao roba i tukli ga, Referendum o kanabisu, Misteriozno jezero, Plutajući hotel, Graun, selo pod vodom, Lion King u metrou bez reakcije putnika, Hrabri' Ljaško nokautiran, Plvo-žuta zastava na neboderu, Zašto se bebe smiju, Ovaj čovjek se zove Mančester junajted, Filmovi u pijesku, Neredi utihnuli, objavljeno ime policajca ubice, Nestao novac sa računa putnika leta MH370, Molitva za korejske katolike, Zalutala mlada, Otac Majkla Brauna pozvao na tišinu i mir, Peminuo glumac i režiser Atenboro, Kara Delvinj uživa u bogatom životu, Petodneвно primirje nakon razmjene vatre, Za supermena tri miliona, Pustoš u avionima Malesija erlajns, Otpuštju 6.000 radnika, Pronađena tijela 18 imigranata, spašeno ih više od 3.500;

**Blic CG:** Glumac izigrao dječaka oboljelog od raka, Stros - Kan ulazi u novi posao, Misteriozna žena zvala pilota nestalog aviona, Ubio troje u jevrejskom centru, Ppronađeno 13.000zlatnih artefakata, Japanski avioni u pripravnosti zbog 'Iljušina', Signale nestalog aviona 'čuli' Kinezi i Australijanci, Kina kupuje rudnik bakra u Peru, Osumnjičena da je ubila sedam beba, Susret počeo napeto, završio se smijehom, Upao u školu i klaod djecu, Šerpasi odbijaju da vode alpiniste na Mont Everest, Američki nadbiskup poslije kritike vjernika prodaje vilu vrijednu 2,2 miliona dolara, Pronađena djevojka oteta prije deset godina, SAD uputile još vojnika radi portage, Održan šampionat u nošnju suprug, Opuštena zbog pozdrava, Najbrža kada na svetu, Kafić za ljubitelje pacova, Počela trka s bikovima, Do kraja veka većina ljudi biće kiborzi, Noćenje u Njujorku za 1 dolar, Gugl uništio srpski restoran u Vašingtonu, Umrta na porođaju, pa čudesno oživjela, UN: Izrel i Hamas ne štite civile, Na seksi pogon u drugi krug, Putinova smotra na Krimu, Papa bijesan zbog stana pohlepnog kardinala, Bajdenov sin radi za ukrajinsku kompaniju, Paralizovanog sina odneo na vrh planine, Papa: Smartfoni su beskorisni, Čarli ludovao sa Paris, Farmer smiruje krave trombonom, Panter skočio volonterki u krilo, Nastavnica u školi bez pantalona, Političar šetao go,

Izigravao duha na groblju, Jedu mrtve majmune i pacove i šire ebolu, Dečak kome se poklonila cela klinika, Berlusconi dao Rubi milione da čuti, Ebola odnela prvu žrtvu u Evropi, Bes i neredi zbog ubistva tinejdžera, Sad hoće i bolesnog dječaka, Talas nosio ljude, Aleksandra se ne odvađa od telefona, Zараđuju jer liče na svetske lidere

**Vijesti:** Najtraženijih trinaest ljudi, Kokain u torbi 'bijele dame', Francuska ministarka odbila da pjeva himnu, Dejstvo 'tamiflua' nije jače od 'oaracetamola', Advokat: Bio je dobar đak i uklapao se u društvo, U lavini na padinama Mont Everesta stradalo 12 vodiča, U Avganistanu 2.000 ljudi nestalo poslije odrona, Nekoliko đaka životno ugroženo očekuje se da prežive, Masa u Kramatorsku: Vratite se odakle ste došli, Članovi Boko Harama oteli više od sto srednjoškolki, Stros-Kan najavio tužbu protiv autora filma, Razvodi se Džeremi Klarkson, Benks ljuta i uvrijeđena, U Turskoj bol prerasta u bijes, Uhapšen bivši Berluskonijev ministar, Za državne škole 120 miliona dolara, Francuska u suzama, Riberi ne ide u Brazil, Udaje se Monika Seleš, Rafa Borin, Obama: Putin se ne ponaša racionalno, Osamnaest godina silovao djevojčice, Miler je pravi idol, a ne čudaci kao Mesi ili Ronaldo, Rusija uhapsila pet ukrajinskih oficira, Stiven sigal održao koncert u Sevastopolju, Eksperti odustali od plana da istraže mjesto pada, Oteli suprugu zamjenika kamerunskog premijera, U padu aviona 39 stradalih, devet povrijeđenih, Iljumžinov ponovo na čelu svjetske šahovske federacije, Protesti zbog ubistva nenaoružanog mladića, Novi sukobi zbog ubistva afroameričkog mladića, Podnosim ostavku, stidim se svojih djela kao šef vlade, Moja imaginacija je kao životinja koju moram paziti;

**Pobjeda:** Viktorija Bekam odbila da dizajnira vjenčanicu za Kim Kardašinaj, Salama sa likom Končite Vurst, Foto-zum, Silvio Berlusconi na društveno korisnom radu, Bijonse i Džej Zi potvrdili krizu u braku, Pistorijus mentalno zdrav, Španci zastavama pozdravili novog kralja, Nigerijski dodir sudbine, Nejmar juče nije trenirao, Majka želi da joj kćerke izgledaju kao barbi, Foto zum, Dijete žrtva 'primirja' u Gazi, Novi luksuzni vozovi, Foto –zum, Robi Vilijams priželjkuje sina, Foto-zum;

**Portal Vijesti:** Koncentrišite se!, Pet namirnica koje možete jesti u neograničenim količinama, Čemu teška veza?, Zategnite stomak i kožu izbjegavajući samo jednu namirnicu;

**Portal RTCG:** Utvrdiće se odgovornost za poplave, SAD gasi HAARP, Hrvatska: Istraga zbog pucanja nasipa, Sudanka osuđena na smrt rodila djevojčicu;

**In4S:** Lukašenko: Radićemo i na vojnoj integraciji Evroazijskog saveza, SAD obučava ukrajinske specijalce da efektivnije ubijaju svoj narod, Interesantne činjenice o snovima koje vjerovatno niste znali, Rasmusen: Gruzija na putu ka NATO;

**CdM:** Po Interpolovoj potjernici iz Beograda: Uhapšen Ajkula u Crnoj Gori, Tri trika koja eliminišu glavobolju za samo minut, Čime možete zamijeniti jaja, tjesteninu ili majonez?;

**Analitika:** Zoran Ajković Ajkula uhapšen u Podgorici po potjernici iz Srbije, Orah za ljepotu i zdravlje;

**Dan:** Svi svatovi preživjeli.

## RECOMMENDATIONS FROM THREE PREVIOUS HRA REPORTS

### Recommendations which referred to the Media Council for Self-Regulation

#### Recommendations that have been partially adopted

- All self-regulatory bodies should fulfil their voluntary commitments in regard to transparency of their operation and develop their own websites or ensure that the media, which are their members, publish all relevant information related to their work, including reports. *(HRA report for period from September 2012 to March 2013)*
- Self-regulatory bodies should not be dealing with violations of the law by the media, because that is in the competence of the courts. They may do so only if the media, while violating a certain principle or ethical standard, also violated the legal norm which corresponds to the ethical principle or standard. *(HRA report for period from September 2012 to March 2013)*
- The MSC should observe its own Statute and, before deciding on appeals or on the basis of its own assessment that a media outlet breached the Code, seek the opinion of the party to which the appeal or complaint relates to. *(HRA report for period from September 2012 to March 2013)*
- When a self-regulatory body records an example of violation of the Code, it should precisely specify what the violation involves, as well as what principles and ethical standards had been violated. In the event that the Code is deficient in that area, it should offer an appropriate amendment and initiate a professional debate on this matter. *(HRA report for period from September 2012 to March 2013)*
- The MSC should observe its own Statute and, before deciding on appeals or on the basis of its own assessment that a media outlet breached the Code, seek the opinion of the party to which the appeal or complaint relates to. *(HRA report for period from September 2012 to March 2013)*
- Self-regulatory bodies should avoid assessment of professional and ethical values of contents of the media if they cannot validly argue the assessment by referencing the Code or relevant authorities and sources relevant to these issues, such as the European Court of Human Rights. *(HRA report for period from September 2012 to March 2013)*
- MCSR could validate its publicly declared willingness to cooperate with Ombudsmen of daily and TV Vijesti and daily Dan by forwarding complaints it had received referring to these media, without stating its opinion on them. This even more so because thus far MCSR MT has failed to seek statements in complaint procedures or regarding its own findings from the media that were not its members, although this represents breach of the provisions of its Statute.

In case of discrepancies in the application of the Code, i.e. different interpretations of basic principles and associated guidelines, self-regulatory bodies should initiate a joint debate with the aim of consistent interpretation of the Code and promotion of the respect for professional standards and human rights by the media. *(HRA report for period from October 2013 - March 2014)*

- For the assessment on the Code violation to be well-founded and credible, and in order to prevent similar conduct in the future, it is necessary to always clearly state in the report which basic principle of the Code and which guideline had been violated, as well as the manner of such violation. *(HRA report for period from October 2013 - March 2014)*
- Although, according to its Statute, MCSR has to request statement of the media outlet referred to in the complaint, its decision should be made objectively, based on review of the controversial journalistic material, and not solely based on allegations of the media to which the complaint relates *(HRA report for period from October 2013 - March 2014)*

#### Recommendations that have not been adopted

- The Media Self-Regulation Council (MSC) should only be engaged in the work of media outlets that founded it, in accordance with the principle of self-regulation. *(HRA report for period from September 2012 to March 2013)*
- The composition of journalistic self-regulatory bodies (especially authorities that handle appeals and monitoring) should prove that they are strong and independent from owners and editors of the media, because that is the only way to gain trust of the public, whose interests they should represent. *(HRA report for period from September 2012 to March 2013)*
- Self-regulatory bodies should have rulebooks that precisely regulate the process of mediation between the injured party and the media that the complaint or appeal is related to, and the main aim of the mediation should be the reconciliation of confronted parties and solving the problem by publishing a correction, apology, etc. *(HRA report for period from September 2012 to March 2013)*
- Regardless of whether the MSC continues to monitor only the work of its members, or the work of the media who are not its members, the Monitoring Team should not be composed of active journalists from certain media outlets, but of independent media experts and/or representatives of interested public. *(HRA report for period from September 2012 to March 2013)*
- In the future, in addition to presenting their reports at press conferences and publishing them on their website, the MSC should also forward them to relevant addresses of media outlets which are not their members, but have been mentioned in those reports on any grounds. *(HRA report for period from September 2012 to March 2013)*
- Self-regulatory bodies should ensure that citizens are informed of the possibility to complain to them about the conduct of the media and to help them do so when necessary. Therefore, in addition to regularly informing the public about their activities, it is also necessary to periodically conduct certain public campaigns. *(HRA report for period from September 2012 to March 2013)*
- The role of a self-regulatory body should not be exhausted in the monitoring and analysis of media practice, but primarily in response to complaints and appeals of injured or interested physical and legal entities, the prevention of violations of the Code by timely pointing out the violations of ethical

standards and helping the media and journalists correct the mistakes they made or reduce their harmful effects. *(HRA report for period from September 2012 to March 2013)*

- The MCSR should pay more attention to monitoring broadcast media outlets, especially those that are its members, and if it is not able to do so, then it should announce this fact in its reports, as it is otherwise allowing for the conclusion that it does not recognize such incidents as violations of the Code. *(HRA report for period from October 2013 - March 2014)*
- MCSR should adopt a rulebook precisely defining the procedure for dealing with complaints and appeals as soon as possible. Such rulebook should also regulate the issue of sanctions against those media outlets – members who do not cooperate in this process with MCSR. We repeat the previous recommendation that MCSR should comply with its Statute and allow all media outlets in relation to which it receives complaints to comment on them, i.e. in relation to which it estimates whether the Code has been violated. *(HRA report for period from October 2013 - March 2014)*
- The MCSR Statute should prescribe the existence of the Commission for Complaints and Appeals as a special body personally and organizationally different from the Monitoring team. This is particularly important because the existing Monitoring team consists of two active journalists from media outlets that are members of MCSR, and the Commission for Complaints and Appeals should be independent from editorial teams of the media and build its authority on that independence. In addition, the number of members of MCSR body dealing with complaints and appeals should be greater than three. The Media Self- Regulation Guidebook (OSCE, Vienna 2008, p. 57) suggests that the optimal number is between 7 and 11 members. *(HRA report for period from October 2013 - March 2014)*
- It is essential that MCSR adopts the announced rulebook as soon as possible and thus additionally specify duties and responsibilities of its Monitoring Team and prevent arbitrariness in its conduct. *(HRA report for period from October 2013 - March 2014)*
- It is necessary that MCSR MT applies equal criteria when deciding on complaints prescribed by the Statute of MCSR. Adoption of regulations that would clearly and precisely define procedures for appeals would contribute to this. *(HRA report for period from October 2013 - March 2014)*
- Amendments to MCSR Statute should envisage second instance authority that decides on appeals. *(HRA report for period from October 2013 - March 2014)*
- MCSR MT should pay equal attention to violations of each of the fundamental principles of the Code and guidelines developing and explaining these principles or at least state reasonable grounds for its selective approach. Insufficient attention is paid to violation of Principle no. 11 and no. 12. *(HRA report for period from October 2013 - March 2014)*
- MCSR MT should, at least periodically, monitor the work of electronic media, especially television stations whose signal covers the whole territory of Montenegro and are members of this self-regulatory body (TVCG, TV Pink M, and TV Prva). *(HRA report for period from October 2013 - March 2014)*



## **Recommendations which referred to the Self-Regulatory Local Press Council**

### Recommendations that have not been adopted

- Self-regulatory bodies should have rulebooks that precisely regulate the process of mediation between the injured party and the media that the complaint or appeal is related to, and the main aim of the mediation should be the reconciliation of confronted parties and solving the problem by publishing a correction, apology, etc. *(HRA report for period from September 2012 to March 2013)*
- All self-regulatory bodies should fulfil their voluntary commitments in regard to transparency of their operation and develop their own websites or ensure that the media, which are their members, publish all relevant information related to their work, including reports. *(HRA report for period from September 2012 to March 2013)*
- Self-regulatory bodies should ensure that citizens are informed of the possibility to complain to them about the conduct of the media and to help them do so when necessary. Therefore, in addition to regularly informing the public about their activities, it is also necessary to periodically conduct certain public campaigns. *(HRA report for period from September 2012 to March 2013)*

## **Recommendations which referred to the Ombudsman of TV Vijesti**

### Recommendations that have not been adopted

- The reports should precisely interpret complaints of viewers and their arguments, as well as the reactions of the Ombudsman and the arguments in favour or against the viewer's complaint, so that laymen as well as professionals in the public could assess the validity of arguments themselves. This is important for the building of Ombudsman's credibility, as well as for increasing media literacy among television audiences, citizens and journalists themselves. *(Izveštaj HRA za period mart 2013 – oktobar 2013)*
- Bearing in mind the statement of Ombudswoman that journalists often contact her in order to solve their ethical dilemmas, this could be an additional incentive for a speedy development and adoption of an internal code of ethics and programme guidelines for TV Vijesti. *(HRA report for period from October 2013 - March 2014)*

### Recommendations that we can not assess whether and to what extent they have been adopted

- The Ombudsman should officially communicate with the audience in a manner prescribed by its act of establishment, as it is important to keep the archive of the decisions on complaints and their communication. *(Izveštaj HRA za period mart 2013 – oktobar 2013)*

- It would be useful if the Ombudswoman, while working preventively as stated in her report, drew the attention of journalists to these and other mistakes, so that they would not occur again. *(HRA report for period from October 2013 - March 2014)*

## **Recommendations referring to the Ombudsman daily Vijesti**

### Recommendations that have been partially adopted

- Although such position of Ombudswoman is understandable (considering of complaints that do not meet the form of the complaint, HRA note) in the interest of complainants, it would be more appropriate to comply with the Rules and thus have educational impact on complainants as well. *(HRA report for period from October 2013 - March 2014)*
- In subsequent reports Ombudswoman should adhere to terminology prescribed by the Rules and make a clear distinction between acting on complaints and self-initiated interventions and engagements on the basis of complaints that do not comply with the prescribed form. *(HRA report for period from October 2013 - March 2014)*
- In identifying violations of professional ethics, it is desirable to always state which principle or guideline of the Code was violated, and in which manner, so as to avoid the impression of bias, as well as to educate and prevent. It is also desirable to comply with terminology used in the Code. *(HRA report for period from October 2013 - March 2014)*
- Self-regulatory bodies should ensure that citizens are informed of the possibility to complain to them about the conduct of the media and to help them do so when necessary. Therefore, in addition to regularly informing the public about their activities, it is also necessary to periodically conduct certain public campaigns. *(HRA report for period from September 2012 to March 2013)*
- The need for cooperation has also been observed between Ombudswomen of TV and newspaper "Vijesti", since the complaint concerning "Vijesti" television, which arrived at the address of daily "Vijesti" Ombudswoman, did not reach TV "Vijesti" Ombudswoman - according to their reports. Cooperation and forwarding of complaints would imply conscious acting primarily in the interests of viewers and readers, whose interests Ombudswomen (of self-regulatory bodies) are supposed to protect, and would also improve confidence in their roles, as well as in the media that appointed them. *(HRA report for period from September 2013 to March 2014)*

## **Recommendations which referred to specific media**

### Recommendations that have been adopted

- Both media outlets (*daily Dan and weekly "Monitor"*) should opt for a model of self-regulation as soon as possible, especially having in mind that daily Dan has the most recorded cases of violations of the Code of Journalists of Montenegro. *(HRA report for period from October 2013 - March 2014)*

- It is about time Monitor opted for a model of self-regulation, which numerous electronic media that are not included in either of the existing collective self-regulatory bodies should do as well. *(HRA report for period from March 2013 - October 2013)*

### **General recommendations regarding all media**

- When constrained by time, editors often violate the presumption of innocence trying to provide an attractive and short title. Putting a question mark at the end of the statement that suggests someone's guilt, can, at least partially, reduce the ultimate effect of the statement. *(HRA report for period from September 2012 to March 2013)*
- It is crucial that journalistic reporting, in addition to ethical criteria, also meets the criteria of objectivity, meaning that the public is presented with the clearest possible image of the concrete reality of an event, plus the elements (background and redundancy/clarification) that allow the event to be given proper context and that it is understood. Clear image of concrete reality that "took place" in the courtroom does not exist, for example, if the press reports only noted the statements of the accused, but not statements from the defence and witnesses, who are also the victims of the crime. *(HRA report for period from September 2012 to March 2013)*
- We recommend the media do their best to reduce to a negligible extent the number of instances of violation of the presumption of innocence. Mitigating circumstance in this case is that this violation is relatively easy to recognize, and therefore it, with the good will of journalists and editors in particular, can be easily avoided. *(HRA report for period from March 2013 - October 2013)*
- In order to keep the reporting balanced, and in order to enable journalism to meet its purpose, the "search for truth", the media must immediately give the opportunity to the other side to respond to the accusations, and not just leave the possibility that the respondent subsequently reacts. Also, the media themselves must verify the merits of the charges. *(HRA report for period from March 2013 - October 2013)*
- As they clearly point out their authorship when it comes to texts and images, it is desirable that the media do the same when using other people's articles or parts of these texts, photos and other graphic illustrations. *(HRA report for period from March 2013 - October 2013)*
- The media should pay much more attention and consideration to the victims of accidents or crime as according to the Code, they have the right to special protection of their names, except in cases of special circumstances, which should always be carefully considered. *(HRA report for period from March 2013 - October 2013)*

## **General recommendations regarding self-regulation**

- The aim should be the re-establishment of a single self-regulatory body for Montenegro, which would bring together all of the media interested in self-regulation. This does not exclude the establishment of self-regulation at the level of individual media, i.e. editorial boards. *(HRA report for period from September 2012 to March 2013)*
- All journalistic self-regulatory bodies should specify their competences in their founding documents. *(HRA report for period from September 2012 to March 2013)*
- Participation of the State in funding self-regulatory bodies is desirable, especially if public media are represented in those bodies, but in such cases, as specified in the OSCE “Media Self-Regulation Guidebook” – “such involvement should be controlled by strong mechanisms to prevent interference of the State” in their work. The State should not favour any self-regulatory body in any way, especially not when it comes to financial support. *(HRA report for period from September 2012 to March 2013)*
- Monitoring conducted by HRA and MCSR shows that, after the violation of the presumption of innocence, media outlets most often violate principles 1 and 3 of the Code, and thus the basic standards of journalistic profession. These violations are most visible in examples of unbalanced reporting, favouring one side and avoiding to verify the information obtained from the named or unnamed sources. Besides observing examples of violations of these principles of the Code, the self-regulatory bodies should also intensify the campaign within journalistic and media community about the necessity of proper application of ethical and professional standards in Montenegrin journalism and thus contribute to overcoming the current antagonism rooted outside the profession. *(HRA report for period from March 2013 - October 2013)*

## **Proposals for revision of the Code of Journalists of Montenegro**

- Self-regulatory bodies should propose new guidelines for the application of the Code, following the final advice in the current Code, which reads: "These guidelines are not final, but can be supplemented in compliance with ethic dilemmas arising from practice". For example, given the need to prevent and punish offensive speech in the media through a process of self-regulation, which in its profanity and offensiveness "lowers the level of public communication to street level", as correctly pointed out by MCSR, and bearing in mind that this type of speech cannot always be subsumed under what is defined as hate speech in the Code and otherwise, it would be necessary to supplement the existing Code, in line with the comparative practice, in a way that would facilitate the job of those evaluating ethics of media content. *(HRA report for period from October 2013 - March 2014)*
- As suggested by the MSC, the Code of Montenegrin Journalists should be amended so that it includes the new Internet media, but this should be done with consensus or biggest possible agreement, as previously done in case of the Code. It should be noted that “The Online Media Self-Regulation Guidebook” was adopted at the international conference "Internet 2013 - Shaping policies to advance media freedom", organized by the Office of the OSCE Representative on Freedom of the Media, Vienna,

on 14 and 15 February 2013. Since the basis of self-regulation is the principle of voluntary acceptance of rules, those rules are more easily accepted and observed by a smaller and more cohesive collective such as a media organization or editorial board, rather than by an imaginary collective such as "the whole profession", especially if there are political or ideological divisions within the profession, and therefore the self-regulatory practice should first be cultivated and developed among journalists in the editorial boards of the media. *(HRA report for period from September 2012 to March 2013)*

- HRA reiterates its recommendation to specify principle 2 of the Code through appropriate guidelines, which should clearly distinguish when journalists are expected to work in the spirit of the above principle, and when not, since some forms of journalism (news, reports) are not always suitable for that. *(HRA report for period from March 2013 - October 2013)*
- HRA believes that the Code should be amended with respect to these and similar cases in a manner which would constitute a clear guideline for ethical conduct in cases of disclosure of information which may affect the deterioration of security conditions or threats to public order (such as making routes of Parade PRIDE in Budva 2013)). *(HRA report for period from March 2013 - October 2013)*
- It is necessary to raise the question of possible amendments to the guidelines to the principle 8 of the Code which would take into account that according to the practice of the European Court of Human Rights violations of the honor and reputation can be put before the violation of privacy. *(HRA report for period from March 2013 - October 2013)*